

# COBBETT'S WEEKLY POLITICAL REGISTER.

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"I cannot conceive why the *lives, fortunes, and characters*, of His Majesty's *military officers* should not be entitled to as solemn a consideration as those of every other subject in the country. That a practice, upon contrary principles, does prevail, and has been attended with great hardship to individuals, I shall be enabled to shew in a case that has lately occurred, and has spread the greatest alarm throughout the army. I allude to the case of COLONEL COCHRANE JOHNSTONE, who, after a trial by a court-martial, and an honorable acquittal, has been exposed to the penalties attendant upon guilt. This case calls for redress against the effects of *undue influence*."—GENERAL FITZPATRICK'S Speech, in the House of Commons, on the 28th June, 1805.

321]

322

## THE CASE

OF THE

HON. A. COCHRANE JOHNSTONE.

In the preceding Number of the Register, the reader has seen, that the Address of MR. JOHNSTONE, published on the 9th instant, has given rise to a letter, intended for the public, on the part of LORD MOIRA. The contents of that letter, and of another letter, which, it now appears, his lordship addressed to MR. JOHNSTONE himself, on the eleventh instant, have induced MR. JOHNSTONE to publish, in the present Number, a full and clear statement of all the transactions, which, since his publication last year, have taken place with regard to his case. This statement will speak for itself; but, with a view of rendering a knowledge of the whole of the case, from first to last, as general as may be; with a view of communicating it, if possible, to the mind of every man in the kingdom, I shall insert, before MR. JOHNSTONE'S statement, my own analysis of his case, which analysis was published by me on the 5th of July last; and I shall, after it, re-insert all the other papers and documents thereunto relating. Thus, the present number, though consisting of two sheets, will, in great part, be occupied with this one subject; but, I am fully persuaded, that this subject is of greater importance to the nation, than almost any other; it being evident to me, as I think it must be to every man that takes time to reflect, that, unless redress be obtained by MR. JOHNSTONE, and unless there be an effectual prevention of future acts, similar to those of which he complains, it is quite impossible, that any thing worthy of the name of public liberty can long exist in this country, with which introductory remark I commit the subject to the attentive consideration of the reader.

### ANALYSIS OF MR. JOHNSTONE'S CASE.

"Ye Army-Rats, from Murray learn to vote:

"First get the cloathing, and then turn the coat."—

FITZPATRICK.

The statement of this gentleman's case has

too long been kept from the public; and, especially when we consider, that, during the present session of parliament, measures have been taken, laws have been passed, for increasing the number of officers of the regular army, and for adding to the income attached, to those situations, of which it is, at any moment, in the absolute power of the Crown to deprive the possessors, with or without cause assigned. Upon the danger to be apprehended from a power like this, unchecked by any responsibility any where, and exercised over the officers of an army of, at least, 250,000 men, formed into more than 300 separate regiments, or corps, each of which has a Colonel, or other Commander, deriving from cloathing, &c. about 1,200l. a year *profit*, exclusive of his *pay*, and the whole number of Commissioned Officers of which army cannot be less than *ten thousand*, whereunto must be added the double Commissions arising from Staff and other situations inseparable from military rank; an army, in short, that is to cost *twenty millions* of money annually; upon the extreme danger to be apprehended from a power like this, unchecked by any responsibility, exercised over a department which swallows up nearly *one half* of the taxes that are annually raised, I have frequently had occasion to remark, and I have as frequently besought Mr. Windham not to forget, in his new arrangements, to make provision for some degree of *security* for the officers of the army, pointing out to him, that, if they were left as they now are, liable to be at any moment, cashiered, with or without cause assigned, every shilling added to their income, every mark of honour upon them bestowed, was so much added to this absolute power of the Crown. It has been, upon such occasions, answered, that to dismiss military officers at his pleasure was *always* the prerogative of the King; but, an argument like this, to be good for any thing, must be made to apply to all cases; and may we not say, that it was always the prerogative of the King to dismiss the Judges?



pleasure? It was so, until a law was, in the reign of William III. passed to take the prerogative away. The same argument might have been urged against this great improvement in the constitution; and, indeed, against every measure involving any change whatever in cases where the power of the Crown is concerned. But, how would this doctrine of immutable right sound, if brought forward on the side of the people? They, the whole of them, *always* previous to the reign of Henry VI., voted for members of parliament, unless they were mere servants, mere bondsmen. They *always* had annual elections, until a certain time. They *always*, at a later epoch, had triennial elections, until the reign of George II. Of all these privileges they were deprived by law; and, shall we be told, that *no law can be passed* to circumscribe the prerogative of the Crown with regard to the officers of the army? Shall we be told that this prerogative must always exist *merely because it has hitherto existed*? No one but a desperate shoe-licker will seriously urge such an argument; but, there may be, and, doubtless there are, very honest and independent men, who entertain doubts as to the expediency of making any alteration; who ask, *why* any alteration is proposed? why the prerogative may not as safely remain undiminished *now* as it did formerly? The answer is this: the prerogative has *increased* in power beyond what was formerly thought possible; formerly, the army was voted annually in *substance* and not in mere form; formerly, it was not only annually declared that it was unlawful to keep up a standing army in time of peace without consent of parliament, but, in reality, nothing worthy of the name of army was kept up in time of peace; formerly, the militia, which was then the only body to which the defence of the kingdom was committed, was officered exclusively by the counties, and not, in great part of the Crown, formerly, the army was so small as to require, no longer than *twenty years ago*, not more than 3,000 Commissioned Officers, instead of 10,000 Commissioned Officers; formerly, the annual military expenditure, over which this prerogative extended, was, even in the most expensive years of the American War, about 7 millions a year, instead of 20 millions a year, as it now is; formerly, after the peace with America, the establishment of the regular army was about 56,000 men, instead of about 150,000 as it now must be, and as it actually was during the last peace: formerly, the army was so little numerous as to make it probable that it would, in great part, be of-

ficered by men of fortunes comparatively independent, and, of course, not likely to be so much influenced by the prospect of losing their commissions; formerly, no one ever dreamt, that England would become "a military nation," and therefore no one formally and openly objected to the King's having the absolute power over the fortunes of all military men; but (and having asked this question we may leave the reader to give what further answer is necessary) if one half of the taxes of the nation be expended upon its army, if the nation be "a military nation," and if the King have the absolute and sole power over the fortunes of all military men, *what* must in reality, be the government of that nation?—From the impression produced in my mind by this view of the subject it was that I was led, always when I spoke of the forming of a large regular army, to propose such *conditions of service* as should connect both officers and men with the people by ties so strong that nothing should be able to break; as should, in the words of PALEY, "maintain, upon all occasions, as much alliance of interest, and as much intercourse of sentiment, between the military part of the nation and the other people, as should be consistent with the union and the discipline of an army." The soldiers I would have sent back, in quick succession, and after short service, into civil life, *there* to receive and enjoy their reward, upon which reward I would have fixed their prospective attention all the while they had arms in their hands. For the officers, who all must, in some degree, have *fortune* and *reputation* at stake, I would have provided not only rewards in civil life after service, but a *security* for their fortune and reputation *during good behaviour* in the service, and, for the deciding with respect to that good behaviour I would have provided a competent tribunal, or, at least, an adequate responsibility somewhere or other, insomuch that their fate should have depended upon *law*, and not upon mere *will*, which, though exercised by the wisest and the best of men, can never be regarded as leaving to the object whereon it is to be exercised any security at all.—Leaving these general remarks to the reflection of the reader, I shall now proceed to state the case of MR. COCHRANE JOHNSTONE, who, I think it will be believed, would still have been, what he long was, a most valuable officer in the army, had a system such as I would have proposed, been adopted previous to the date of his quitting the army.—This gentleman, was, in the year 1801, a Colonel in the army, Colonel



of the 8th West-India regiment (Blacks), and Governor of the Island of Dominica, where he then was and where his regiment also was. From his early youth Mr. JOHNSTONE has been active in the service of his country; he has served in America, in the East-Indies, in the West-Indies; has always been distinguished for his ability as well as his zeal, and, when a person worthy of great confidence was wanted to carry to His Royal Highness the Duke of York the *dispatches* from Mr Dundas, in consequence of which His Royal Highness *came home from Flanders*, Mr. JOHNSTONE was the person selected to be the bearer of them, a service which he performed with a degree of *celerity* and of *resolution* that entitled him to the admiration of the army and the thanks of the public.—It will be recollected, that, in the year 1801, there was a mutiny in the Black regiment at Dominica. In consequence of this and of other occurrences in that Island, Mr. JOHNSTONE was called home, and soon after his arrival in England, he preferred charges against JOHN GORDON, the Major of his regiment, and who was in the immediate command of it at the time of the mutiny. MAJOR GORDON was, after more than a year of attendance, on the part of Mr. JOHNSTONE, brought to a court-martial and tried in the month of January, 1804; but, he was not tried upon the charges as originally given in to the department of the Duke of York, but, as they were *there modified*, and, let it be well observed, that one of the charges, namely, that the accused had “*absconded from Dominica, in order to escape from justice, and had behaved with insolence and disrespect to his Colonel,*” was *entirely omitted* in this new-modelling of the charges for the court-martial! The court, however, pronounced Major Gordon’s conduct to be irregular, culpably negligent, and highly censurable. No bad consequence followed to *this* man. Nothing was done to him. He remained, and still remains, in full possession of his rank and pay!—During the time between the preferring of charges against MAJOR GORDON and the assembling of the court-martial for his trial, to wit, on the month of October, 1803, there was a brevet promotion of Major Generals, and, upon examining the list of this promotion, Mr. JOHNSTONE was surprized to find those of officers junior to himself in it, and *his own name omitted*; whereupon he complained to the Duke of York, stated that he could not believe that he was thus punished without some offence being supposed to be imputable to him, and earnestly requested

that an investigation into his conduct might speedily take place. This earnest request, proceeding from the anxious and wounded mind of an officer of high rank earned by long and most arduous services, lay before the DUKE OF YORK unanswered for *nine weeks*, at the end of which time he wrote to Mr. JOHNSTONE thus: “it is an invariable rule of the service, not to include in any general brevet promotion, an officer (whatever may be his rank) against whom there exist charges, the merit of which has not been decided. Whenever an investigation shall have taken place; and, should the result prove *favourable to you*, there will not be any difficulty in your re-covering the rank to which your seniority, as Colonel, entitles you.” This letter, which was dated on the 10th of December, 1803, was not very satisfactory to Mr. JOHNSTONE, who naturally was not a little anxious that the investigation should take place as soon as possible; but who was informed, that it could not take place, until the conclusion of Major Gordon’s trial, which trial, observe, Mr. JOHNSTONE had in vain been endeavouring to bring on for above a *twelvemonth*! But, what surprized Mr. JOHNSTONE most, was, the information, now for the *first time* given him, of there being charges existing against him; and, it will, I imagine, appear most surprizing indeed to the reader, that an officer should be punished (for to be left out of his place in the brevet promotion is most severe and disgraceful punishment) upon the ground of mere charges, and of charges, too, of the existence of which he has not been informed, and, moreover, of the existence of which the person who has thus punished him does not inform him until nine weeks after he complains of his punishment!—After the receipt of this letter from the Duke of York on the 10th of December, 1803, many and most earnest were the inquiries on the part of Mr. JOHNSTONE to know the nature and purport of the charges to which the Duke of York had alluded, and upon which he, Mr. JOHNSTONE, had been, by anticipation, punished; but, no satisfaction, nay, *no answer* whatever, could he obtain, until the 29th of the ensuing month of May, having been kept in a state of suspense and of disgrace for nearly *six months*. He now received a letter from Colonel Clinton (one of the select gentlemen about the Duke of York) informing him, by “the command” (for that is the phrase) of His Royal Highness, that MAJOR GORDON was the accuser; that he had, from time to time, transmitted letters and verbally made general accusations



against Mr. JOHNSTONE; and that His Royal Highness had felt it incumbent upon him, to call upon MAJOR GORDON, as soon as the proceedings against him had been concluded, to state, whether he *meant* to bring forward any specific charges against Mr. JOHNSTONE. Thus, at last, this gentleman, who had for six months been requesting to be informed what those charges were, which, as the Duke of York told him, *existed* against him on the 10th of December, 1803, was informed . . . . of what? Not of the nature of the charges; no, but that the Duke of York had not yet ascertained whether Major Gordon *meant* to bring forward any charges at all; or, in other words, whether there were in existence the *grounds* whereon to form any charges; though, observe, as you must have observed from the Duke of York's letter above quoted, that the Duke of York had actually disgraced Mr. JOHNSTONE, upon the ground, as stated by himself, that charges *existed* against Mr. JOHNSTONE in the month of the *preceding* October!—Upon this no comment is necessary.—Mr. JOHNSTONE, conscious that no criminal charge against him could be substantiated, eagerly waited for the day of trial, which day of trial he was, however, obliged to wait for until *the month of March*, 1805, though, according to the Duke of York's account, in his letter to Mr. JOHNSTONE of the 10th of December, 1803, the *charges existed*, actually *existed*, in the month of October, 1803, a year and a half before it was thought proper to proceed upon them, though an officer of Mr. JOHNSTONE's rank was kept all the while idly waiting for the day of inquiry; though both he and the public were suffering from the delay, and, which is of still more importance in the eyes of just men, though two brevet promotions had now passed him over and stigmatized him previous to his going before his judges!—Previous to the assembling of the court-martial, however, there was a circumstance arose that merits particular notice.—Mr. JOHNSTONE having thought it right to object to Mr. OLDHAM, the Deputy Judge Advocate General, as the person to officiate at his trial, an objection founded, as it has since appeared, partly upon the hostility manifested by that gentleman towards Mr. JOHNSTONE at, and after, the trial of MAJOR GORDON; this objection having been made by Mr. JOHNSTONE to Sir Charles Morgan, the Judge Advocate General, this latter informed him, that he had had an intention of appointing some other person to officiate at the court-martial: but, that he had recently received an application from the Duke

of York, requesting that Mr. Oldham might officiate, and that *this* had determined him (Sir Charles Morgan) to employ Mr. Oldham upon the occasion! Mr. JOHNSTONE succeeded, at last, in setting this determination aside; but, will not the reader think it wonderful, that the Duke of York, the Commander in Chief, the person to whose sole care was committed all the army and all the means of defence of this nation; will not the reader think it almost incredible, that this person should find leisure to attend to matters so very minute as that of the selecting of a man to take down the proceedings of a court-martial!—The court-martial was, at first, ordered, by the Duke of York, to be holden at *Canterbury*, whither towards the end of February, Mr. JOHNSTONE, together with his witnesses repaired. Several members of the court had also arrived, and they as well as Mr. JOHNSTONE and his witnesses, had taken lodgings. Some of the witnesses, summoned from a distance, had actually driven through London to Canterbury, and were now obliged, by counter order of the Duke of York, issued on the 20th of February, to post back again to Chelsea, at the expence of themselves or of Mr. JOHNSTONE. As no *reason* was given for this sudden change of place, the *motive* must be left to the reader to discover; but, it is right to observe, that Mr. JOHNSTONE, in his letter to Sir Charles Morgan, dated on the 21st of February 1805, states that “great inconvenience and expense will be occasioned by this change, as well as the impossibility of transmitting timely notice of it to the witnesses, particularly those resident in distant parts of the kingdom.”—At Chelsea Hospital, however, the court-martial assembled, with LORD HARRINGTON at its head, on the 1st of March, 1805. The charges were then and there exhibited, and were as follow:—  
 “FIRST CHARGE.—Having contrary to his duty, and to the great injury of the service, in or about the month of October, 1801, when he knew that the accounts of the regiment were in confusion, clandestinely obtained for his own use, from Richard Seward, paymaster of the 8th West India regiment, by bill drawn upon the agent of the corps, and by him charged to the paymaster's regimental account, the sum of five hundred pounds sterling, being money due by government to the corps, under the false pretence that he would write to the agent immediately to place the same to his own private account, and that it should not in any manner affect the accounts or credit of the



“ paymaster with the agent or public; and  
 “ having afterwards falsely promised to the  
 “ commanding officer to transfer his pay as  
 “ Colonel to the paymaster to liquidate the  
 “ above sum of five hundred pounds, none  
 “ of which engagements he performed,  
 “ whereby the confusion of the accounts  
 “ was increased, and the paymaster was de-  
 “ prived of the means of regularly paying  
 “ the regiment. The accounts of the men  
 “ were unsettled, and, as would appear, dis-  
 “ content was excited in the corps.—And  
 “ having, in or about the months of March  
 “ or April 1802, when he knew that the  
 “ paymaster was in arrear to the regiment,  
 “ directed above one hundred and forty  
 “ pounds to be stopped from the paymas-  
 “ ter, out of the subsistence due to the re-  
 “ giment, under the false pretence that the  
 “ same was justly due to him, whereby the  
 “ difficulty of paying the regiment was in-  
 “ creased, contrary to his duty, and to the  
 “ injury of the regiment and service.—

“ **SECOND CHARGE.**—Having contrary  
 “ to his duty, and to the prejudice of the  
 “ service, at times between the month of  
 “ July, 1801, and the end of April, 1802,  
 “ suffered the resident paymasters, who  
 “ were his secretaries, unwarrantably to re-  
 “ tain, or neglect to issue regularly and  
 “ agreeable to general orders, a part of the  
 “ subsistence of the troops, under pretence  
 “ that the same was not received from the  
 “ deputy paymaster general; and in parti-  
 “ cular, having suffered resident paymaster  
 “ Charles Kerr, who was his secretary, to  
 “ retain, or unwarrantably to neglect to  
 “ issue, under the above false pretence, in  
 “ the months of March and April, 1802,  
 “ immediately preceding the mutiny of the  
 “ 8th West India regiment, sums of money  
 “ due on account of subsistence, to that  
 “ corps, to the amount of about one thou-  
 “ sand pounds sterling, being nearly equal  
 “ to two months pay of the regiment,  
 “ whereby the men’s balances were unpaid;  
 “ and, as would appear, discontent and mu-  
 “ tiny were excited among them. It fur-  
 “ ther appears, that Colonel Andrew Coch-  
 “ rane Johnstone asserted, both in word  
 “ and writing, a falsehood unbecoming his  
 “ rank and the character of an officer, to  
 “ vindicate Mr. Kerr’s conduct, in not is-  
 “ suing the money due to the regiment.—

“ **THIRD CHARGE.**—Having employed,  
 “ or directed to employ, soldiers of the 8th  
 “ West India regiment in manual labour,  
 “ on his own lands, and on other works, and  
 “ neither paid nor directed them to be paid  
 “ for their labour; contrary to his duty, and  
 “ to the injury of the service. In particu-

“ lar, having repeatedly so employed, and  
 “ not paid for their labour, a considerable  
 “ part of a detachment of recruits, belong-  
 “ ing to the 8th West India regiment, con-  
 “ sisting of about seventy or eighty men,  
 “ while quartered at Roseau, the residence of  
 “ Colonel Andrew Cochrane Johnstone, for  
 “ some months immediately preceding the  
 “ month of September, 1801, and having,  
 “ although under his immediate inspection,  
 “ totally neglected to have them instructed  
 “ and trained to discipline, as his duty and  
 “ the good of the service required.—And  
 “ having in the months of March and April,  
 “ 1802, immediately preceding the mutiny  
 “ of the 8th West India regiment, directed  
 “ the regiment to be employed in cutting  
 “ wood, and clearing some swampy ground  
 “ in the neighbourhood of Prince Rupert’s,  
 “ in the island of Dominica, with the view  
 “ (as would appear) to convert the same to  
 “ his own use; and having neither paid the  
 “ men, nor directed them to be paid, for  
 “ their labour, to the great injury of the ser-  
 “ vice; as thereby, it appears, discontent and  
 “ mutiny were excited in the regiment.—

“ **FOURTH CHARGE.**—Having, in di-  
 “ rect opposition to his duty, as command-  
 “ ing officer of the troops in Dominica,  
 “ availed himself of his military power to  
 “ violate the laws, and to infringe the rights  
 “ and liberty of the subject, between the  
 “ month of August, 1801, and the end of  
 “ July, 1802. In particular, having in  
 “ violation of law, and of the rights of  
 “ the subject, on or about the 14th day of  
 “ December, 1801, caused James Ryrie,  
 “ a civil inhabitant of the island of Domi-  
 “ nique, to be illegally arrested by an  
 “ armed military detachment, and to be  
 “ confined in a military fort and guard-  
 “ house; and having suffered the said  
 “ James Ryrie to be insulted, beaten, and  
 “ maltreated, by persons under his imme-  
 “ diate influence and command, without  
 “ taking steps to prevent the same; or to  
 “ discover and bring to justice the authors  
 “ of such outrages, or the person or persons  
 “ who employed them.—And having  
 “ further, in opposition to his duty as com-  
 “ manding officer, as aforesaid, and in  
 “ violation of the laws, and the liberty of  
 “ the subject, in or about the month of  
 “ July, 1802, authorised and permitted  
 “ his own menial servant in his presence,  
 “ to insult and threaten with a pistol, Mr.  
 “ Etienne La Caze, residing in the island  
 “ of Dominica, and formerly a lieutenant  
 “ in the Loyal Dominica regiment, and  
 “ authorising or permitting his servant  
 “ forcibly to drag the said Etienne La Caze



“ to Fort Young, and to deliver him  
 “ illegally a prisoner to the guard, and to  
 “ have him there confined, and a centinel,  
 “ with a drawn bayonet, placed over him.  
 “ Those instances affording proof of abuse  
 “ of military authority, and of conduct un-  
 “ becoming an officer and a gentleman.”—  
 Such were the charges, at last exhibited,  
 and I beg the reader to bear in mind, that,  
 according to the acknowledgement of the  
 Duke of York and his Secretary, these  
 charges had been preparing from, or be-  
 fore, the month of October, 1803, and  
 were not actually exhibited until the 1st of  
 March, 1805! The decision of the court  
 at the end of a twenty-five days’ trial was as  
 follows.—“ The Court Martial having  
 “ weighed the whole of the evidence ad-  
 “ duced by the prosecutor Major Gordon,  
 “ and that brought forward by the Honour-  
 “ able Colonel Andrew Cochrane Johnstone  
 “ in his defence, is of opinion, that the  
 “ 500*l.* bill, mentioned in the First Charge,  
 “ was not clandestinely obtained by Colonel  
 “ Johnstone, and that it doth not appear,  
 “ that his Majesty’s service or the good of  
 “ the regiment was, in any degree, injured  
 “ by that transaction; and therefore the  
 “ Court doth honourably acquit him of the  
 “ former part of the First Charge.—With  
 “ regard to the second part of the First  
 “ Charge; viz. directing 140*l.* to be stop-  
 “ ped from the paymaster, out of the sub-  
 “ sistence due to the regiment, the Court is  
 “ of opinion, that no blame whatever at-  
 “ taches to Colonel Johnstone in this trans-  
 “ action, and they therefore also honour-  
 “ ably acquit him of the same.—With  
 “ regard to the first part of the Second  
 “ Charge, the Court is of opinion, that it  
 “ hath not been proved, and therefore ac-  
 “ quits Colonel Johnstone of the same.—  
 “ And with regard to the second part of the  
 “ Second Charge; viz. the having asserted  
 “ a falsehood unbecoming his rank, and the  
 “ character of an officer, the Court doth  
 “ most honourably acquit him.—With  
 “ respect to the first part of the Third  
 “ Charge, it appearing that the offence set  
 “ forth therein, took place (if at all) above  
 “ three years prior to the date of His Ma-  
 “ jesty’s warrant, for holding this Court  
 “ Martial, the Court is of opinion, it hath  
 “ no power to take cognizance of the same.  
 “ —With regard to the second part of  
 “ the Third Charge, the Court sees no rea-  
 “ son whatever to believe, that Colonel  
 “ Johnstone had any intention to derive in-  
 “ dividual benefit by the labour of the men  
 “ from working in the swamp and they  
 “ therefore acquit him of the charge; al-

“ though they cannot approve his having  
 “ ordered the work on the swamp, under  
 “ all the circumstances of the case.—  
 “ With respect to the Fourth Charge, the  
 “ Court is of opinion, that it is not sub-  
 “ stantiated, and therefore acquit him ac-  
 “ cordingly.”—Now, I wish to be un-  
 derstood as not resting at all upon this ac-  
 quittal, upon this decision of LORD HAR-  
 RINGTON and his fellow judges. Mr.  
 JOHNSTONE’S cause and character scorn such  
 a defence. I rest upon the *evidence*, as  
 taken down before the Court and as since  
 published at large; and, having read that  
 evidence with great care, I assert, that not  
 only were the charges, *all* the charges, un-  
 founded, and totally unfounded, but that  
 there was not produced before the court any  
 fact to show, or to cause it to be believed,  
 that, in any one instance, the prosecutor,  
 MAJOR GORDON, *could possibly believe the*  
*charges to be true.* I assert, that, instead  
 of demerit; instead of neglect of duty,  
 instead of selfishness, instead of tyrannical  
 conduct; it was *proved* that Mr. JOHNSTONE  
 had been, through the whole of his com-  
 mand, a most vigilant and zealous officer;  
 just, liberal, kind, and generous to his re-  
 giment and to every description of persons  
 under him, whether as a military or civil  
 officer. These assertions I make after a  
 most attentive examination of the whole of  
 the proceedings of the court martial, and  
 for the truth of these assertions I appeal to  
 the printed account of those proceedings.  
 —Let us now recall to mind, then, the  
 letter of the Duke of York to Mr. JOHN-  
 STONE, dated 10th December, 1803, in  
 which the former, in order to pacify the  
 latter, assured him, that, if the result of  
 the investigation should be favourable to him,  
 there would “ *not be any difficulty* in his  
 “ recovering the rank to which his seniority,  
 “ as Colonel, entitled him.” The result  
 being now known; that result being decid-  
 edly favourable to Mr. JOHNSTONE, his rank,  
 one would have expected to see instantly re-  
 stored to him. That this was not the case  
 the public already know; and, we are now  
 about to see upon what grounds it was re-  
 fused.—On the 18th of April, that is  
 to say, in about three weeks after the  
 trial was over, Mr. JOHNSTONE, went to  
 the Horse Guards to wait upon the Duke of  
 York; but being informed that he “ *could*  
 “ *not have access to the presence*” of that  
 Royal Personage, he applied, on the 19th,  
 by letters to the Adjutant General, for the  
 restoration of his rank. After a good deal  
 of procrastination, he obtained the infinite  
 honour of coming into the presence of the





Duke of York, whom he begged to tender his commission (as Colonel) to His Majesty, as he could not think of remaining in the army with a stigma fixed upon him. His Royal Highness was most graciously pleased to tender the Colonel's commission to His Majesty, of which His Royal Majesty was most graciously disposed and pleased to accept.—But, now for the grounds upon which the Duke of York refused to restore Mr. JOHNSTONE to his rank.—And here the reader will please to observe, that the sentences, or decisions, of all General courts-martial are communicated to the King by the *Judge Advocate General*, who, when he has received the commands of the King, communicates them to the Commander in Chief together with the *King's remarks* thereon. Sir Charles Morgan, having first laid the decision of this court-martial before the King, next communicated it to the Duke of York, subjoining thereunto the following remarks on the part of the King:—"And I am to acquaint Your Royal Highness, that His Majesty has APPROVED the decision of the Court Martial upon the several points brought under their consideration.—With respect to the circumstance of the Court having been inhibited from taking cognizance of one of the most material articles of charge, by reason that it appeared, upon explanation, that the supposed fact, which the prosecutor had in contemplation, and which he expected to have been able to establish by evidence, certainly did not take place within three years antecedent to the date of the warrant for this trial; *His Majesty considers* this lapse of time to have been owing to an *improper conduct of the prosecutor*, who, instead of making *general accusations*, highly reflecting upon the character of Colonel Cochrane Johnstone, might and ought to have set forth in substance the particular instances of criminality which he had in view.—In regard to another article of charge imputing to Colonel Cochrane Johnstone his having, in the months of March and April 1802 (a period within the cognizance of the Court Martial), employed soldiers of the 8th West India regiment in work towards clearing the swamp *without paying them or directing them to be paid for their labour*, His Majesty perceived with satisfaction, that the evidence has not furnished any reason to suppose, that he derived, or had in prospect, any individual advantage, as the prosecutor had by his charge suggested: His Majesty however expressed much disapprobation of the sol-

diers having been so employed and unpaid, more especially as Colonel Cochrane Johnstone acted therein upon his own sole authority, and without the assent or privity of General Sir Thomas Trigge who commanded in chief, and whose sanction, it was his duty to have obtained before any such measure was taken."—The remarks, given in the name of, and as coming from, His Majesty, observe, the Duke of York, in a letter which Mr. JOHNSTONE, at last, got from him, on the 16th of May, 1805, asserts to be the grounds upon which he refused Mr. JOHNSTONE his rank. His words are these: "I must however, observe, that in consequence of the public letter of the Judge Advocate General, transmitting to me the decision of the General Court Martial (*on which letter alone I must form my opinion on the whole matter of your case*), and which the Judge Advocate General conveys to me His Majesty's approbation of such decision, together with the remark which his Majesty was pleased to express upon your conduct, I cannot conceive, that so long as the strong displeasure of His Majesty remains upon the public records of the army, that I should be warranted to take upon myself to recommend to His Majesty, that an officer, *labouring under such high censure*, should be promoted in His Majesty's service. I have, therefore, in conformity to your request, laid the resignation of your commission as Colonel at His Majesty's feet, and am commanded to acquaint you, that His Majesty has been graciously pleased to accept the same."—Thus we see that where a court-martial has acquitted, the king may make a remark upon the decision, and that remark may be the ground of punishment! But, supposing, for a moment, these remarks to have come from the king, and taking the latter remark first, how does it agree with the opinion of the court-martial? The court say, that they wholly acquit Mr. JOHNSTONE of all criminality upon the charge; but, that, under all the circumstances of the case they cannot approve of his having ordered the work upon the swamp; but, they do not even hint that the men ought to have been paid for it, as is suggested in the remark; and, indeed, they ought not to have been paid for it, it being a mere duty of *Fatigue*, for which soldiers are never paid. It was a duty similar to that of cleaning a Barrack-yard, or levelling a parade; and does not every one perceive, that if soldiers were to be paid for work like this, that there would never be any end of pay-



ment? If, indeed, Mr. JOHNSTONE had employed the men in making exhibitions, in preparing diversions for himself or his friends; if he had employed them in dancing attendance upon, in working for, in removing the goods, of a strumpet, for instance, or of any other person not belonging to their corps; then, indeed, he would, have deserved censure. It was *proved* upon the trial, that the men were ordered to perform work conducive to their own health; that the land they worked upon belonged to the public; that if the work had been paid for the public must have paid; that the work was one which the ministers at home anxiously wished to have performed; and the only question was, whether it was *advisable* for Mr. JOHNSTONE, under all the circumstances of the case, to employ *his men* upon this work or not. I think it is clearly *proved*, that it *was* advisable! but, as the court thought otherwise, let us *suppose* that it was *not* advisable; and, then, it will, I think, be agreed, that when the court said that they could *not* approve of the men having been so employed, they went quite as far as the case would warrant. But when this *not approving* comes to His Majesty, it rises into "MUCH *disapprobation*;" and, when it comes to the Duke of York, it towers up to "*strong displeasure*," and "*high censure*;"—and becomes the ground of *punish*—*disgrace*!—But, it is the *former*—so remarks, made in the name of—*as coming from*, the King, that we have *fly* to notice. The Judge Advocate General, Sir Charles Morgan, tells the Duke of York, and through him the whole army (upon the public records of which the letter was put), that *His Majesty* remarks that it appeared that the "*supposed fact* which the prosecutor "*expected to have established by evidence*" "*did not take place within three years of*" "*the date of the warrant for the trial*," and that "*His Majesty considers this lapse*" "*of time to have been owing to the improper*" "*conduct of the prosecutor, who, instead*" "*of making general accusations, might and*" "*ought to have set forth particular instances*" "*of crimination.*"—First, observe, that the *supposed fact*, here alluded to, and which, as it is expressed in the remark, belonged to "*one of the most material*" "*articles of charge*," was, that Mr. JOHNSTONE had *employed his men to work upon his own lands and for his own private emolument and advantage*, as it is stated above in CHARGE III. Who, upon reading the decision of the court and the remark made in the name of the King; who, upon reading

these (which, observe, have been put "*upon the records of the army*") would not imagine, that this "*lapse of time*" was *fortunate* for Mr. JOHNSTONE; and that, if his prosecutor could have got him sooner to trial, he *might*, upon this charge, at least, have been convicted? Is not this the impression which these documents are calculated to give? But, let the following facts be, then, known, and let them be remembered: 1st, that the act charged was alleged to have taken place *previous to September, 1801*; 2d, that an investigation into the conduct of Mr. JOHNSTONE was contemplated by the Duke of York in October, 1803, and upon that contemplation he withheld Mr. JOHNSTONE's name from the brevet promotion; 3d, that, between September, 1801, and October, 1803, only *two years* and one month had elapsed; 4th, that, between October, 1803, and August, 1804, when the warrant for the trial was, at last, issued, Mr. JOHNSTONE had made repeated and urgent requests to the Duke of York that his trial might take place *without delay*; and 5th, that Mr. JOHNSTONE expressly requested, in a letter to the Adjutant General, dated 22d June, 1804, that "*no part*" "*of the grounds, on which Major Gordon*" "*had proposed to found his charges against*" "*him, should be kept back from examina-*" "*tion.*" Whose fault was it, then, that the court-martial were, as the remark, in the name of the King expresses it, "*inhibited*" "*from taking cognizance of one of the*" "*most material articles of charge?*" But, the most important circumstance relative to this remark remains to be noticed. Who would not imagine, from reading it, that the court-martial had *not examined* into the *truth or falsehood* of this charge? The fact is, however, that they *did* fully *examine into it*: and, that the charge was *proved to be utterly false and destitute of the semblance of foundation*! The court, upon discovering the date of the alleged act, found that they were by law inhibited from taking cognizance of it; but, they had previously examined all the *evidence* as to the *fact*; and, if it was necessary to make the remark; if it was necessary to put "*upon the records of the army*" the remark above quoted, as to the *lapse of time*, and as to the *expectation* which MAJOR GORDON had of *establishing the charge by evidence*, should it not also have been remarked, that **ALL THE EVIDENCE WAS PRODUCED**, and that the charged was *proved to be false*? Should not this also have been "*put on the*" "*records of the army?*"—Such, reader; such, Englishmen, were the grounds, upon



which the Duke of York refused Mr. JOHNSTONE the restoration of his rank; such were the grounds, upon which this gentleman, after a life of arduous military service, in divers parts of the world and against divers enemies, without ever having once *ran away* or brought *disgrace upon the arms of England*, was refused his rank, was punished in a manner the most severe by the Duke of York.—The remarks communicated to the Duke of York in the King's name, and as coming directly from the King, were, the reader will have perceived, regarded by the Duke of York as so imperiously binding, that it was out of his power not to act in rigid conformity to their spirit. He tells Mr. JOHNSTONE, in the letter above quoted, that the letter, transmitted to him by the Judge Advocate General, is that on which he must form his opinion on the whole matter of *Mr. Johnstone's case*. That his Royal Highness was not entirely and in all cases, submissive to the opinions of the Judge Advocate is pretty clear from the fact, as stated by the latter himself, that his Royal Highness did not so far possess weight with him as to determine him to appoint Mr. OLDHAM to officiate at the trial, contrary to the first intention of the Judge Advocate. Who, then, would not suppose, that the remarks, the famous remarks, above quoted, *did actually proceed from the King?* Whether they did or not the reader may judge, when he has read the following letter from Sir Charles Morgan to Mr. JOHNSTONE, dated 26th of April, 1805:—"Sir, Aware of your  
 "anxious and natural wish to receive early  
 "information of the result of the proceedings of the Court Martial upon your trial,  
 "I did not hesitate, on the same day on  
 "which the original was penned, to send to  
 "your house in town the substance (I believe, a copy) of the letter, which notified to the Commander in Chief the sentence, and his Majesty's pleasure respecting the same. I think it proper now to intimate to you, that *I have since seen  
 "occasion to recal that letter, and to substitute another in lieu thereof:* in which  
 "last-mentioned letter (the only difference which I know between the two)  
 "the whole paragraph which contains the  
 "remark upon the article of the charge, whereof the Court did not think itself  
 "authorized to take cognizance, is  
 "omitted, *I have taken upon myself to explain to his Majesty, and I have  
 "confidence in being able to explain satisfactorily, the occasion of this remark  
 "being now omitted.*"—So, here is a

person, who has the power to communicate to the Commander in Chief the decision of every general court-martial, accompanied with *His Majesty's* remarks thereon, from which remarks *alone* the Commander in Chief "must form his opinion upon the  
 "*whole matter of each case,*" and must, of course, act towards the parties accordingly; and this same person has the farther power of *altering those remarks* whenever he pleases, not only without the orders, but even *without the knowledge of His Majesty!* And, yet observe, this same powerful person; this person who can *take upon himself* to alter public remarks of His Majesty intended to be put "upon the  
 "records of the army;" this same person is, we find, so much under the influence of the Duke of York, as to change, at the Duke's bare request, his intention as to the person whom he shall employ to officiate in his stead at a court-martial!—Any further comment would be superfluous. The reader is now in possession of the case of Mr. JOHNSTONE, and it only remains for me to remind him of the steps therein taken by the Spartan General, FITZPATRICK. In the month of June, 1805, Mr. JOHNSTONE having failed in all his endeavours to obtain redress from the Duke of York, made known his intention of bringing the subject before parliament. General FITZPATRICK undertook; I say he undertook to bring it before parliament. I assure the public, that both General FITZPATRICK and Mr. Fox promised Mr. JOHNSTONE, that whether in power or out of power, they would use their utmost endeavours to obtain him redress. It was, in consequence hereof, settled, that General FITZPATRICK should open the subject in the House of Commons, as soon as an opportunity offered, and that he should propose a specific proceeding thereon at the commencement of the then next session of parliament. The former he did on the 28th of June, in the following speech;—"I rise, Sir,  
 "to mention a subject, on which it is  
 "my intention hereafter to submit a motion to the House; and I wish to take the  
 "present opportunity of doing so, because  
 "it relates to that military administration  
 "which is to form part of the business of  
 "this day's discussion. The present advanced state of the Session will prevent my  
 "being able to bring forward any motion,  
 "though *I wish it much.* It is, however, a  
 "subject of such *extreme importance*, that  
 "it is necessary for me to take some notice  
 "of it. The House may be assured I shall  
 "state it in form on a future occasion, and



as early as possible. The subject consists of a very gross and alarming evil;—one which I apprehend, has but lately crept into the administration of the Military Law of this country. I trust the practice to which I allude is an innovation of not many years standing. I am informed it is. It respects the execution of the duties of the office of Judge advocate General of the army. I find that under the present practice, there is in the office of Judge Advocate, the assumption of a power, which I conceive is not consistent with that office, and *not warranted by the laws and constitution of this country.*—Every gentleman who hears me, knows how great the extent of the Royal Prerogative is with respect to the Military Government. Every one knows the power of His Majesty to dismiss, without a Court Martial, any person who bears a commission in the army.—I should be the last man to call in question the Royal Prerogative; but I am sure no man will contradict me when I say, that a Prerogative of such extent ought to be exercised *under the advice of responsible Ministers.* The law of this country enables His Majesty to appoint Courts Martial for Military offences. The law places in his Majesty the right of confirming or remitting their sentences, but I do not believe that the law or the constitution of this country could ever intend that the officer of the Crown, in the exercise of such a Prerogative, should be the Judge Advocate of the army. I believe he is at present the sole adviser of the Crown. I believe that this practice has prevailed only during a part of the time the Right Hon. Baronet has been in possession of it.—Formerly the transmission of sentences of Courts Martial was through the office of the Secretary at War. The Secretary at War of course became responsible for the advice he gave. With respect to his decision, I am not sure that I think that was sufficiently solemn for a decision of so important a point. *I cannot conceive why the lives, fortunes, and characters of His Majesty's Military officers, should not be entitled to as solemn a consideration as those of every other subject in the country.*—Every one knows that those important concerns, as they affect other classes of His Majesty's subjects, are decided by His Majesty in Council. I think the same solemnity ought to be observed with regard to the Sentences of Courts Martial; but that will be a question for future consideration. That this practice does prevail, and has been attended with great hard-

ship to individuals, I shall be enabled to shew in a case that has lately occurred, and has spread the greatest alarm throughout the whole army. I allude to the case of COLONEL COCHRANE JOHNSTONE, a gentleman, who, after a Trial by a Court Martial, and an honourable acquittal, has, at the instance of the Judge Advocate, been exposed to the penalties and punishment attendant upon guilt.—This is what I shall submit to Parliament. I am aware that an appeal from the Sentence of any Court Martial to this House is a delicate question; but in the present case the appeal is in favour of the Court Martial, and seeks redress against the effects of undue influence. I beg pardon for dwelling so long on the subject. I have risen to give this notice, and I shall bring forward the motion early next Session. It will consist of two branches; one will be a complaint against the exercise of the office; the other will refer to the means of defining the power of the officer, and will suggest some provisions as to the manner of his conducting himself in future.”—

—Now, I ask the reader, if any pledge could possibly be more solemn than this? The sequel is told in a few words: the General, the Spartan Chief, was then out of place; soon after parliament met again he was in place; soon after that he gave notice, from the Treasury Bench, that he should not bring forward the motion of which he had given notice from the Opposition Bench; and soon after that he, who had sold his company in the Guards twenty years before, and who had never served a single day since, had a regiment given him by the Duke of York! And, let it be observed, that, as Secretary at War, it is with himself alone to sign and pass his accounts and vouchers, as Colonel of a regiment!—Many are the applications which MR. JOHNSTONE has made, to him and to Mr. Fox, to know whether they mean to fulfil their promise; never has he been able to obtain any direct answer; but, their intentions have been fully explained by their conduct, and of that conduct I now leave the world to judge. W. COBBETT July 5.

#### TO THE PUBLIC.

It is not without a considerable degree of pain, that I find it necessary, a third time, to obtrude myself upon that attention, which has now so many important objects whereon to fix itself. Nevertheless, when it is considered of how great consequence the transactions belonging to my case are in a public point of view, I cannot help feeling



confident that the obtrusion will be excused. — My case, as laid before the public, in the printed account of my court martial, and in the correspondence between the Duke of York and Sir Charles Morgan on the one part, and myself on the other part, had excited general attention, and had produced much inquiry and discussion; the result of which was, a settled opinion in the public, that I had received very great injuries, and that, to use the words of General Fitzpatrick in his speech in the House of Commons on the 28th of June, 1805, the manner in which those injuries had been inflicted, "*had spread the greatest alarm throughout the whole army.*" — While his Majesty's ministry continued to be what it was at the time of my publishing the above mentioned account and correspondence, it appeared useless to make any farther exertions for the purpose of obtaining redress; but, having received from several persons composing the present ministry, not only encouragement, expressed in the strongest terms, to hope that they would, the moment the parliament should meet in 1806, use their utmost exertions to obtain justice for me, and to provide something like security for my brother officers; but also assurances the most positive, to that amount, I could entertain no doubt, when I saw them come into power themselves, that they would, amongst their first acts, do that which, with so much apparent zeal and resolution, they had expressed their desire and their intention of compelling others to do. — The persons from whom I in particular received such encouragement and assurances, were Lord Moira, Mr. Fox, and General Fitzpatrick. The former was, immediately after I had tendered my resignation, made acquainted therewith; and, it is not going too far to say, that the whole of my conduct, particularly that of resigning my commission, met with the entire approbation of his lordship, who did not fail to express, agreeably to those sentiments of friendship as well as of justice which I had always observed in him, his assurances that, whenever he should possess the power, he would always possess the will to, afford me ample redress. — With General Fitzpatrick I had several conferences upon the subject, at one of which conferences Mr. Fox was present, and therein took a part: both these gentlemen expressed their decided approbation of all the steps I had taken; they commended me in the strongest terms for having resented, by the resignation of my commission, the injurious treatment I had received; they expressed their abhorrence of the sort of in-

fluence which was evident in the producing of that treatment; they declared my cause to be the cause of the nation at large and particularly of the officers of the army, whose fortunes and characters were put at hazard by proceedings such as had taken place with respect to me; they described in vivid colours the danger to public liberty to be apprehended from abject subjection to the caprices of one absolute will, and, as a means of mitigating which danger, they stated it to be their object, to cause to be established a Military Council, a measure which they together with others of the present ministry brought forward in the House of Commons; and, finally, for all these, together with other reasons which they stated, they most explicitly pledged themselves to leave undone nothing that they should be able to do, in order to obtain justice for me, and for the army. — Not imagining that these were declarations without meaning; not imagining that that which was styled by these gentlemen the cause of the whole army, and of the nation in general, was, in fact, considered by them merely as the means of annoying their political opponents; not conceiving it possible that they would venture to consider me merely as an instrument in their hands, merely as a round in their ladder of ambition, I, as a matter of course, expected, that having got possession of those powers, which they had expressed so anxious a desire to see exerted in behalf of the cause in question, they would lose not a moment in so exerting those powers themselves. Thus thinking, I took occasion to have, soon after the change of ministry, several conferences with Lord Moira and General Fitzpatrick, the former of whom continued firm in the sentiments and assurances before expressed to me; but the latter, I soon found wavering in his sentiments, and abandoning his promises, which abandonment I was, therefore, less surprised than most other persons to hear him soon afterwards openly proclaim in the House of Commons, by formally withdrawing the notice which he had given, agreeably to his pledge to the country, to bring forward the subject of my grievance, as soon as the parliament should meet. After this, there was little room to expect any good from the exertions of this gentleman, especially when I found, that his time, already greatly occupied by his important office of Secretary at War, was become further engrossed by the cares and responsibility necessarily arising from the colonelcy of the 11th regiment of foot (not forgetting the large pecuniary profits), which was bestow-



ed upon him by the Duke of York, much about the time when he, in the place and manner above mentioned, publicly gave up my cause. And here, in order to exhibit in its true light, the magnitude of this favour on the part of the Duke of York, it will not, I hope, be thought very foreign to my subject, if I observe, that the bestowing of a regiment upon a person, under such circumstances, was absolutely without an example; for, though in some other instances as well as this, the colonelcy of a regiment, the usual and proper reward of long, faithful, diligent, and arduous services, has been, from some motive or other, bestowed upon persons, who, like General Fitzpatrick, had sold their commissions at an early stage of life; and, who, like him had spent the remainder of their days, in scenes and pursuits, far different indeed from those, in which military officers usually acquire their claim to preferment; though in some few other instances, from motives that I will not attempt to describe, this has been the case, I take upon me to assert, that in no other instance has a commission of colonel been, under such circumstances, if under any circumstances at all, conferred upon a Secretary at War, who, by becoming colonel of a regiment becomes a public accountant, whose own accounts, as Secretary at War, it is his duty to examine, to check, and to pass. With this observation I will leave the conduct and the probable motives of General Fitzpatrick to the consideration of the public.—Returning to Lord Moira, I cannot better describe his lordship's conduct than by observing, that it was both in manner and substance, exactly the reverse of that of the colonel of the 11th regiment of foot; and I experienced no small degree of consolation in perceiving, that an exaltation to power, had not diminished, in his lordship, that zeal for public justice, and that immoveable fidelity to personal engagements, which, during a friendly connection between us of twenty five years, I had always observed to be leading features in his character. Agreeably, therefore, to the expectations which I naturally entertained from this most respectable and honourable quarter, I was met by his lordship with the same face which he had worn previous to the change of the ministry; his sentiments I found exactly the same that they were before; and I found him ready to act upon those sentiments. Accordingly, many weeks had not elapsed before his lordship gave me the information, contained in my first Address to the Public, as published in Mr. Cobbett's Register of the 9th instant,

(see page 260 of this sheet). His lordship had repeatedly promised me, that he would see justice done to me and to the army; and at the times referred to, namely, at several interviews which took place betwixt us in the months of February and March last, his lordship informed me, 1st: That the Duke of York had assured him, that he would undoubtedly recommend to his Majesty to confer upon me the rank of major general;—2d. That several meetings, upon the subject of my case, had taken place with the Duke of York and with his Secretary Colonel Gordon;—3d. That, at one of these meetings, it was arranged, that Mr. Bond, the present Judge Advocate General, should wait upon his Majesty, and report, that, upon inspecting the papers of his office, he had fallen upon the proceedings of my court martial, and that he had discovered, that Sir Charles Morgan his predecessor, had not made a correct report thereon, the well known consequences of which had excited a degree of uneasiness throughout the army, which could be allayed only by conferring upon me the rank of major general;—and, 4th. That a letter from the Duke of York to the same effect as Mr. Bond's intended statement, was at the same time to be presented by Mr. Bond to the King.—Being, from this statement of his lordship, fully persuaded that the immediate object in view would be accomplished, and trusting that a series of other measures consonant therewith, would lead to the effectual prevention of similar grievances in future, I was willing to overlook the means for the sake of the end; but, I must confess that this scheme for throwing the whole of the blame upon the aged and retired Sir Charles Morgan, never appeared to me to accord, either with the principles of justice, or with that dignity of character which I had been disposed to attribute to most of the parties concerned.—As to the fact, however, of such a scheme having been on foot, there can be no doubt; for, if any one were disposed to discredit the word either of myself or of the noble person upon whose authority I make the statement, the following letter from Mr. Bond to myself, dated on the 8th of April last, and written in answer to a request on my part, (grounded upon the information of Lord Moira) to lose no time in waiting upon the King, and in bringing the matter to a speedy conclusion, could not fail to remove any doubt that might be entertained on the subject.—“*Temple, April 8th.*—Sir, I received your note this afternoon between 4 and 5 o'clock. About ten days since I had a short conversation with Lord Moira



“ on the subject, who informed me that it  
 “ was intended to recommend you to his  
 “ Majesty for promotion, and that I should  
 “ receive some communication as to the  
 “ mode of doing it. Since that time I have  
 “ received no communication whatever on  
 “ the subject, and without such communi-  
 “ cation, it is impossible for me to take any  
 “ steps.—I am, Sir, with respect, &c.—  
 “ (Signed) N. BOND.”—With respect  
 to the other parts of Lord Moira’s informa-  
 tion to me, I am truly concerned to find,  
 that there exists a difference of opinion as to  
 the correctness of my statement with respect  
 to that information; yet, the fact is so, as  
 the public have already learnt from a letter  
 written by his lordship and published by Mr.  
 Cobbett, in his Register of the 23d instant.  
 (See p. 366 of the present sheet) His lordship  
 had, indeed, as will be perceived from the  
 following letter from him to me, dated on  
 the 11th instant, intimated his intention of  
 requesting Mr. Cobbett to contradict that  
 part of my address, published on the 9th of  
 August, which his lordship conceived calcu-  
 lated to produce an injurious impression  
 with respect to the Duke of York:—“ *St.*  
*James’s Place, August 11, 1806.*—Sir,  
 “ It is with great astonishment that I have  
 “ perused a statement of yours, which has  
 “ been pointed out to me in Mr. Cobbett’s  
 “ Paper of last Saturday. Of any inten-  
 “ tional inaccuracy on your part, I have not  
 “ the remotest suspicion. I can easily com-  
 “ prehend the nature of your misconcep-  
 “ tion. But, if you could imagine yourself  
 “ justifiable in publishing the confidential  
 “ communications which you had received  
 “ from me, whilst I was labouring to ren-  
 “ der you service, at least you ought to  
 “ have perfectly assured yourself that what  
 “ you were about to detail was correct.—  
 “ Nothing said by me to you could ever  
 “ have implied, that there had been with  
 “ the Duke of York such interviews as you  
 “ have specified. In fact, the plan to which  
 “ I referred, was only discussed by me  
 “ among my colleagues; and it was impart-  
 “ ed to Lieut. Colonel Gordon as a measure  
 “ likely to be recommended; when you  
 “ interrupted its course by a premature ad-  
 “ dress to the Secretary of the Commander-  
 “ in-Chief. The conferences with my col-  
 “ leagues you have confounded, as having  
 “ been held with the Duke of York. This  
 “ mistake involves a conclusion so grossly  
 “ unjust towards his Royal Highness, that  
 “ I must be under the painful necessity of  
 “ requesting Mr. Cobbett to contradict in  
 “ his next publication, that part of your  
 “ narrative which is calculated to produce

“ the injurious impression.—I have the  
 “ honour, &c. (Signed) MOIRA.”—  
 In the first sentence of my last address,  
 published in the Political Register of the  
 23d instant, (which will be found in page  
 362, of the present sheet) I, alluding to this  
 letter of his lordship, stated that it was my  
 intention to forbear from troubling the pub-  
 lic with proofs of the correctness of my  
 statement of the 9th instant, until a commu-  
 nication, which I understood his lordship  
 was about to make to the public, had actual-  
 ly been made; and for the reasons of such  
 forbearance, it will be proper that I enable  
 the public to refer to my answer to the  
 above letter of his lordship, and which an-  
 swer was given in the following words:—  
 “ *Sidmouth, August 13, 1806.*—My Lord;  
 “ Until I shall have an opportunity of  
 “ seeing the statement, which, as your  
 “ lordship has done me the honour to ap-  
 “ prize me, in your letter of the 11th in-  
 “ stant, you mean to communicate to Mr.  
 “ Cobbett for publication; I shall refrain  
 “ from troubling you with a detailed an-  
 “ swer to that letter; because, after having  
 “ perused and re-perused it with that de-  
 “ gree of attention, to which every thing  
 “ coming from your lordship’s pen is enti-  
 “ tled, I confess myself totally incompetent  
 “ to discover, what part of my published  
 “ narrative your lordship considers as being  
 “ incorrect. But, though I am, from this  
 “ cause, restrained, for the present, from  
 “ going into proof upon the subject, I can-  
 “ not let a moment pass without observing,  
 “ that, as to *my facts*, they have been stated  
 “ with a scrupulous adherence to truth,  
 “ though it is possible, that I may unfortu-  
 “ nately, have erred in my *conclusion*.—  
 “ I have the honour to be, &c. (Signed)  
 “ A. COCHRANE JOHNSTONE.”—The  
 state of uncertainty, in which I was at the  
 time of writing the above letter, with respect  
 to his lordship’s meaning, still continues,  
 notwithstanding I have now had the advan-  
 tage of reading his lordship’s letter to Mr.  
 Cobbett (which will be found at page 366 of  
 this sheet). Seeing that neither in his lord-  
 ship’s letter to me of the 11th of August,  
 nor in his letter to Mr. Cobbett afore-  
 mentioned, is there a positive denial of the  
 whole, or of any specific part, I should be  
 intitled to rest upon the re-assertion which I  
 have made of the correctness of my state-  
 ment, published on the 9th of August, and  
 wait until something like a positive or expli-  
 cit denial had been made. But, conscious of  
 having strictly adhered to truth in the whole  
 of my statement, and extremely anxious to  
 remove any doubts, which may, though by



publications extremely vague, have been excited upon the subject, I think it right to make some observations here upon the above quoted letters of Lord Moira, which observations will, I hope, tend to convince the public that my statement of the 9th of August was, in every point at all material, exactly what it ought to have been.—Taking both his lordship's letters together, the subject of his complaint divides itself into two parts, or two distinct Charges preferred against me: FIRST, *that I did on the 9th of August unjustifiably publish confidential communications which I had received from him*; and, SECOND, *that what I then stated was, in part at least, incorrect, or, in other words, not true.*—With respect to the first of these charges, I have now to state, (and if my statement be not by his lordship acknowledged to be true, I ask from his justice, an immediate, an explicit, and a public contradiction of it), that on the 5th of May last, the day after I had received Colonel Gordon's letter of the 3d of May, declaring that the Duke of York had never entertained an intention of recommending me to his Majesty for the rank of major general, I wrote to Lord Moira, transmitting him a copy of the correspondence with Colonel Gordon, and expressing an opinion that he would be as much astonished at it as I had been, seeing that it contained a flat contradiction of the information which I had received from him respecting the intention of the Duke of York; and I informed his lordship in the same letter, that it was my resolution no longer to refrain from laying before the public an account of the whole of these transactions, under the form, as I then proposed, of an address to the officers of the British army. To this letter his lordship answered on the 11th of May, "that he was  
"grieved at my correspondence with Gordon, which was premature; and that he  
"had been endeavouring to get over difficulties, rendered more considerable by  
"the answer which I had obtained from  
"Colonel Gordon." But, not a word did his lordship say here, not an expression did he let fall, that could lead me to suppose that he disapproved of my intended publication; and that he did not disapprove of it, the public will, I think, readily conclude from the words of his letter, the whole of which, as far as relates to the subject, I have here quoted. Still, however, (owing chiefly to a hope held out in his lordship's letter above quoted, that the negotiation was not yet finally closed) no publication took place, until I had given his lordship quite sufficient time and opportunity, to express, if he had

been so disposed, his disapprobation of my laying the matter before the public. On or about the 30th of June last, I unequivocally informed his lordship of my intention of communicating to the world, through the means of the press, and in a manner the most unreserved, an account of all that had passed relating to the subject, since the change in his Majesty's ministry. Upon this intimation of my intention, his lordship made no remark that I did not construe into an acquiescence, on his part, in the propriety of the intended publication; and I positively assert that he discovered not one sign, of any sort, in the way of objection; and that when we parted it was clearly understood, that my publication would speedily take place. I also at this meeting declared to his lordship that, after such an accumulation of unjust and insulting treatment, I should not refrain from publishing an account of the language and conduct of a Great Person, previous to my court martial, which language and conduct had hitherto escaped, in public, that animadversion which had been so decidedly and so justly bestowed upon it in conversation, particularly by many of those who are now numbered amongst the confidential servants of the King. The consideration, however, of this topic, which has still remained untouched, I shall reserve for an opportunity when a seat in parliament shall enable me to bring it forward in a manner worthy of its importance.—This statement I have now made with the most scrupulous attention to circumstances, and, if his lordship does not acknowledge it to be true in all its parts, I hereby ask from his justice, an immediate, an explicit, and a public contradiction.—Farther, however, in corroboration of this statement, I think it necessary to refer to some letters, which, after the last mentioned epoch, passed between his lordship and myself. Being engaged in preparing my address which was published on the 9th of August, and having mislaid Colonel Gordon's letter of the 3d of May, to insert which was necessary to my purpose, I wrote to Colonel Gordon, from Ramsgate, on the 10th of July last, the following letter, requesting him to favour me with a copy of it:—*"Ramsgate, July 10, 1806.—Sir;*  
"Having mislaid your letter to me of the  
"3d of May, I have to request that you will  
"do me the favour to transmit a copy of it  
"to me at this place. In consequence of  
"the permission of Lord Moira, I am now  
"preparing an address to the public relative  
"to what has lately passed in my case.—  
"As your last letter was in direct contradic-



"tion to the statement given to me by Lord  
 "Moir, of what passed betwixt his lord-  
 "ship and the Duke of York relative to my  
 "case, it is indispensibly necessary in jus-  
 "tice to his lordship and to myself, that  
 "the public should be put in possession of  
 "what passed on that occasion, and of other  
 "circumstances which will sufficiently  
 "prove the marked hostility of a high per-  
 "sonage, prior even to my court martial  
 "being assembled, but after the members  
 "were nominated; an anxious wish to con-  
 "ciliate matters has hitherto prevented me  
 "from giving this statement to the public,  
 "in the hopes that justice would have been  
 "at last administered; but, treated as I have  
 "been, any further delicacy on my part  
 "cannot be expected.—I have the hon-  
 "our to be, &c.—(Signed) A. COCHRANE  
 "JOHNSTONE."—This letter having been  
 shewn to Lord Moira by Colonel Gordon,  
 his lordship wrote to me upon the subject as  
 follows, on the 14th of July:—"London,  
 "July 14, 1806—My dear Sir; It is  
 "with infinite surprise that I have perused  
 "a letter from you to Lieut. Colonel Gor-  
 "don, transmitted by the latter for that  
 "purpose: Because, you have stated in it;  
 "that an appeal intended to the public by  
 "you, against the Commander-in-Chief,  
 "is, "*in consequence of the permission of*  
 "*Lord Moira.*" Assuredly, nothing can  
 "be more completely out of the question  
 "in such a case, than a permission from  
 "one who is without title to use any sort of  
 "influence on the subject. The impossi-  
 "bility of my having a permission either  
 "to give or to withhold, must instantly  
 "strike every body; therefore, the expres-  
 "sion will unavoidably be understood to  
 "mean, that I have instigated this attack  
 "upon the Duke of York. My respect  
 "for His Royal Highness would have pre-  
 "vented my taking such a step, even had I  
 "not thought it a matter too delicate to ob-  
 "trude counsel upon you on a busi-  
 "ness, so deeply involving your future in-  
 "terests. If you reconsider the paragraph,  
 "you will be astonished how it slipped  
 "from your pen, and you will hasten to  
 "free me from an implication which places  
 "me in so invidious a light. Be assured,  
 "that I know it could only have proceeded  
 "from your not adverting to the import of  
 "the statement, and that I remain with re-  
 "gard and esteem your faithful servant.—  
 "(Signed) MOIRA."—Now, reserving  
 till by-and-by to observe, upon his lordship's  
 silence as to the facts stated in my letter to  
 Colonel Gordon, it must, I think, be evi-  
 dent to every one that this letter of his lord-

ship does by no means express his disappro-  
 bation of my making the intended publica-  
 tion. He is anxious, indeed, to be freed  
 from the charge of having instigated, that  
 which he is pleased to term "an attack on  
 "the Duke of York;" but after what had  
 passed between us, it was impossible for his  
 lordship to say, that he objected to my  
 making a public statement of the facts;  
 and, accordingly, in no part of his letter,  
 does he express, or leave to be implied, any  
 such objection; yet it is too evident to need  
 pointing out, that, if he could have urged  
 any such objection, now or never was the  
 time to urge it, seeing that he was even offi-  
 cially informed, that I was actually engaged  
 in drawing up the statement for publication.  
 —But, before I proceed farther in remarking  
 upon this letter of his lordship, it will be  
 necessary to submit to the public my answer  
 to that letter, which answer was transmitted  
 him from Ramsgate, on the 16th of July last,  
 and was given in the following words.—

"Ramsgate, July 16, 1806.—My dear  
 "Lord;—When I wrote to Colonel Gordon  
 "on the 10th of July, I [certainly did  
 "not mean to state, that "*the address to*  
 "*the public was with your lordship's per-*  
 "*mission.*" Upon perusing my letter to  
 "the Colonel, I perceive that such might  
 "be inferred. The sentence ought to have  
 "been worded as follows. "In conse-  
 "quence of the permission of Lord  
 "Moira to state what has passed betwixt  
 "his lordship and myself, I am now pre-  
 "paring an address to the public." I  
 "never meant to take the liberty to ask  
 "your lordship's advice on the propriety of  
 "giving the statement to the public. When  
 "I had the honour of seeing your lordship  
 "last, I stated, that I intended to adopt this  
 "measure, as the cruel treatment I had ex-  
 "perienced from the Duke of York, by Co-  
 "lonel Gordon's answer of the 3d of May,  
 "imperiously called upon me to have re-  
 "course to it. In that letter his Royal  
 "Highness declared, *that he never had in-*  
 "*tended, nor could he think of recommend-*  
 "*ing me to his Majesty for the rank of ma-*  
 "*yor general.* This statement being in di-  
 "RECT CONTRADICTION to what your lordship  
 "mentioned had passed betwixt you and  
 "the Duke of York, the door was there-  
 "fore finally shut against my entering the  
 "army, and it was therefore, my duty to  
 "state to the public, the noble and gene-  
 "rous efforts, which your lordship had  
 "kindly made in my behalf.—Your lord-  
 "ship will do me the justice to recollect,  
 "that when I had the honour of seeing you  
 "last, I stated also, that had the Duke of



“ York sent for me and said, “ Mr. John-  
 “ stone, I have endeavoured to procure  
 “ for you the rank of major general;  
 “ but, I am sorry to say I have not suc-  
 “ ceeded.”—With that assurance, I  
 “ stated, I would have been perfectly satis-  
 “ fied; but to authorise Colonel Gordon to  
 “ give the statement he did in his letter of  
 “ the 3d of May, was insulting to my feel-  
 “ ings, and not *consonant* with what had  
 “ really passed betwixt his Royal Highness  
 “ and your lordship.—I trust that this letter  
 “ will remove the apprehension which may  
 “ be entertained at the Horse Guards, that  
 “ your lordship has instigated, what is  
 “ termed an attack upon the Duke of  
 “ York. My publication will simply exhi-  
 “ bit a statement of facts, without any com-  
 “ ment, leaving it to the public to draw  
 “ their own conclusion.—I have the ho-  
 “ nour to be, &c.—(Signed) A. COCH-  
 “ RANE JOHNSTONE.”—Reserving, as in  
 the former case, the observations which nat-  
 urally grow out of this letter (a letter *never*  
*answered* by Lord Moira) with respect to the  
 facts contained in my statement of the 9th  
 of August, and which facts, are, as will be  
 perceived, all stated substantially, at least in  
 this my last letter; reserving to enlarge  
 upon these points till I come to an examina-  
 tion of the second Charge, will it not be ne-  
 cessarily inferred, from his lordship's not  
 having thought an answer to this letter ne-  
 cessary, that he had no valid objection to  
 urge to the making of my intended publica-  
 tion? His lordship, does, indeed, in his let-  
 ter of the 14th of July, say, that he “ is  
 “ without title to use any sort of influence  
 “ upon the subject, and that it is *utterly*  
 “ *impossible for him to have a permission*  
 “ *either to give or to withhold,*” after which  
 the public must naturally feel no small de-  
 gree of surprise at his lordship's complaint  
 of my publishing without his permission;  
 for to my understanding, it appears unde-  
 niable that, in a case where a person has no  
 right whatever to give or to withhold a per-  
 mission for the doing of a thing, he cannot  
 possibly have any right personally whatever  
 to complain of that thing having been done.  
 —But, the fact is, that, if any person upon  
 earth had a title to use influence with me  
 upon the subject; if any person upon earth  
 had a permission to give or to withhold with  
 respect to the publication, it was Lord  
 Moira; his lordship having from the first to  
 the last been my strenuous friend, and my  
 principal adviser. The disclaimer, there-  
 fore, here made by his lordship, proceeded,  
 I think it must appear, from the difficulty  
 in which he found himself between his re-

luctance to sanction the publication which  
 was about to be made, and the consent which  
 he had before tacitly at least given, to the  
 making of that publication.—My last cited  
 letter to his lordship, was transmitted to him  
 on the 16th of July; my publication did not  
 take place until the 9th of August, during  
 which interval (and indeed not at all) was  
 any answer by his lordship given to that let-  
 ter. Yet in that letter, his lordship is again  
 apprised that I am preparing a publication  
 for the press; he is fully informed of the na-  
 ture of it, and is presented with a detail of  
 the principal facts which it is intended to  
 contain. I now put it to any candid man,  
 whether the suffering of this letter to remain  
 unanswered, did not deprive his lordship of  
 all ground whatever whereon to make a  
 complaint of a breach of private confidence?  
 —Besides, is it not clear, that from the  
 very nature of the subject, no obligation of  
 secrecy on my part, was, or could have been,  
 contracted? That the cause, though of great  
 importance with respect to myself, was of  
 far greater importance with respect to the  
 army in general? That it was a public cause  
 much more than a private cause? That the  
 transactions relating to it were transactions  
 amongst public men? And that, from the  
 beginning to the end, it was always consider-  
 ed by me as a subject, every fact and cir-  
 cumstance relating to which, was proper  
 matter for public discussion? I appeal to  
 his lordship, I appeal to every person in the  
 military and political circles of the last win-  
 ter and spring, whether it was not matter of  
 notoriety amongst them, that Lord Moira  
 had put himself at the head of those who  
 espoused my cause; whether his exertions  
 and the steps he took were not in due suc-  
 cession, publicly spoken of; and, whether,  
 if the cause had succeeded, the officers of  
 the army, were not prepared to bestow upon  
 his lordship the commendation due to their  
 general protector? That the cause was de-  
 feated; that the evil complained of contin-  
 ues undiminished; that his lordship's exer-  
 tions were rendered useless, the officers of  
 the army, and the nation in general, may,  
 and do, lament; but, I will venture to say,  
 that nothing but the apparent regret in his  
 lordship, at seeing the transactions made  
 public, could, by exciting a doubt with re-  
 gard to the motive, have lessened the merit  
 of those exertions.—Having now, and, I  
 trust, in the most satisfactory manner, re-  
 futed the first Charge above stated, I cannot  
 help, before I proceed to the other, express-  
 ing my sorrow at perceiving, that, on the  
 part of a person like Lord Moira, an attempt  
 should have been made, through the colour



of a breach of confidence; preferred against me, to divert the attention of the public, not only from the important facts stated in the publication complained of, but also from the cause itself, in support of which that statement was made, and which has, from what motives I shall not pretend to say, been now tacitly, if not expressly abandoned, apparently in complaisance to the Duke of York, towards whom Lord Moira has now discovered reasons for expressing, and in a letter to me too, his profound respect! \*—The se-

\* Mr. M'ARTHUR, too (a most zealous imitator of his superiors), must have, forsooth, his charge of breach of confidence. What I related upon the authority of this gentleman, was, as before stated, derived from his information, given, in the first instance, unasked for, and in the second instance, obtained for the evident purpose of publication; and that he understood it in that light, needs there any other proof than that of his having taken the precaution to preserve a copy of his letter, as he has stated in a letter to me of the 11th inst. Mr. M'Arthur in his letter to the editor of the Morning Chronicle, (see p. 307 of this sheet) dated the 17th inst. observes, "that if, without authority, the report of a conversation is to be published; with the names of high and respectable characters, in the sheets of a periodical paper, there must be an end to all confidence between man and man in the reciprocal relations of social life." The reason, doubtless, for introducing here the description of "high and respectable characters," was to include Mr. M'Arthur's own self in that description, he having, (as every one of the newspapers in a paragraphical advertisement have very carefully informed the public) recently received, for precisely how many shillings I shall not pretend to say, the dignified title of Doctor of Laws in the University of Edinburgh! But, whatever may have been the reason for the introduction of this description and circumstance, it certainly has no weight with respect to the sentiment expressed by Mr. M'Arthur; for, in a case where it is unjustifiable to publish the report of a conversation, such publication can never be rendered justifiable by any considerations with regard to the rank of the parties conversing. In the present case, however, the conversation was at a large dinner party; how far it was from being confidential the public may easily judge,

COND CHARGE, as above stated, is, that, what I stated in my publication of the 9th of August, was, in part at least, incorrect, or, in other words not true. This Charge, if well founded, would indeed, be a very serious one; but, I trust, that, though Lord Moira, has not ventured to point out any particular part of my statement as containing an untruth, I shall be able to shew, that, as far as rested with me, every part of the statement was true; or, in other words, that, whether the information given me, was

when they recollect, that as it now appears, Mr. M'Arthur did not even know the person of the gentleman from whom the words came which afterwards found their way into publication through me; those words were related to me in Pall-Mall, unasked for on my part, without the least reserve on the part of the relator; and, in short, from all the circumstances attending the relation, it was evident that no obligation of secrecy was contracted by me either expressed or implied, any more than would have been contracted by me if I had received information of any thing that had passed at a dinner at the Crown and Anchor, or indeed of any thing that had passed at the India-House, or in either of the Houses of Parliament. Mr. M'Arthur observes, that if my mode of acting be sanctioned, there must be an end to all confidence between man and man; but, I may venture to assert, that if I was not, under these circumstances, justified in repeating the information I had received from him, there must indeed be an end to all confidence between man and man, because there could, in that case, be no communication between man and man; and do the public believe that I should go too far in saying that the dinner party in question, as at every other dinner party, nine-tenths of the conversation consisted in reports of what the parties had heard in other conversations at other dinners or elsewhere. Where is the man who scruples to say that he has received such or such information at a dinner? Where is the man that scruples to speak of this any where? and the only circumstance that distinguishes the present case from cases that occur every day is, that I have repeated the information in print, whereas, in general, men do not think it necessary to repeat their information otherways than verbally. When we speak of a breach of confidence, in the relating of what we have heard from others,

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true or not, it is perfectly true that I received all the information that I have communi-

naming those others at the same time, there is always implied an injury of some sort or degree arising from such relation towards whom the breach of confidence has been committed. But, in this case, it is impossible that any such injury should arise; the naming of Mr. M'Arthur could expose him to nothing injurious any more than if I had related something which he might have told me with regard to a conversation upon a point of natural history; and, though I am aware that the modesty of Mr. M'Arthur may be pleaded as a strong ground of objection to the bringing his name forward before the public, yet when I turn back only for a day or two to the advertisement, universally circulated, about the degree of Doctor of Laws bestowed "on John M'Arthur, Esquire, of London, a gentleman well known for great respectability of character, and author of political and financial facts, and a work on the law of courts-martial, with other ingenious treatises, the first of which has already reached the fourth edition," to which, if fame speak truly, might have been added, that of the fourth edition, as well as of every other edition, and of every one of the other treatises in question, a very considerable portion had been converted into real use by the trunk-maker and pastry-cook; when I turn back to this advertisement, I must confess that I cannot attribute the coyness of the learned doctor upon the present occasion to any general prevalence of that sort of feeling which makes a man shun notoriety, and, to say the truth, I am compelled, however reluctantly, to conclude, that, though the doctor was willing enough to be thought, within the circle of a few friends, the strenuous advocate of justice, and the resolute enemy of oppression, he would, with equal, if not with greater willingness, have been excused from appearing in that light to His Royal Highness the Duke of York. Having introduced the learned doctor here, I shall, for the desirable purpose of avoiding a second introduction, now give a specimen whereby to enable the public to judge of the frankness and public spirit of that gentleman. It has already been seen, that, on the 5th of May last, I wrote to Lord Moira upon the subject of the letter which I had just received from Colonel Gordon, stating, that the Duke of York had never entertained the intention of recommending me to the King for the rank of major-general. I observed to Lord Moira that this statement of Colonel Gor-

don's was in flat contradiction to the information given me by his lordship, and in order further to impress upon his mind a due sense of the conduct of the Duke of York, I thought it necessary to communicate to him, in the most authentic manner possible, the information which I had received from Mr. M'Arthur, and according to which information Colonel Gordon had made use of expressions corroborating the information given to me by Lord Moira. Previously, therefore, to my writing to Lord Moira, I wrote to Mr. M'Arthur, on the same day, in the following words:—"Har-

ley Street, 67, 5th May, 1806.—Dear Sir,—Do you recollect how long it has been, since you met Colonel Gordon as dinner, when he stated that my business was then before the King, and that he did not doubt but that I would get my rank in a short time?—I am, Dear Sir, Yours faithfully, (Signed) A. COCHRANE JOHNSTONE." To which letter I received the following answer:—"York Place, Portman Square, May 5, 1806.—Dear Sir,—I think it may be about six or seven weeks ago I met with Colonel Gordon at dinner at Mr. Lambert Blair's, Gloucester Place, when your business was mentioned, and the colonel observed that it was (or would be) laid before the King, and he thought it probable you would get your rank. I am not acquainted with the colonel further than having met him at my friend Mr. Blair's, and it was merely a topic of conversation glanced at after dinner, and started by some one at the bottom of the table," [the learned doctor being of course at the top]. "His brother was also one of the party.—I remain, My Dear Sir, with best wishes for your success, Yours very sincerely, (Signed) JOHN M'ARTHUR." Notwithstanding this letter, which expresses not even a hint as to the identity of Colonel Gordon, and which when taken into view with my letter to which it is an answer, could not possibly be understood as speaking of any other Colonel Gordon, than the secretary of the Duke of York, notwithstanding these circumstances, Mr. M'Arthur, in his letter before mentioned to the editor of the Morning Chronicle, affects to say, that he did not tell me that he derived his information from "Colonel Gordon" but from "a Colonel Gordon," than which I must say, a subterfuge more unworthy of a Doctor of Laws is not, in my opinion, to be found amongst the recorded controversies of



contradicting the principal fact contained in my published statement; that he was informed in conversation first, next by letter to Colonel Gordon of the 10th of July, and subsequently in my letter to himself of the 16th of July; upon all these occasions he was fully apprized not only that I was about to publish a statement of the information I had received from him, but was also fully apprized of what that statement would, in substance be; he was told, in short, that I was about to inform the public *that I had received from the Secretary of the Duke of York a declaration, on the part of the Duke, in direct contradiction to what his lordship had assured me had passed between them.* Thus apprized from the 5th of May to the 9th of August, during which time, several conversations and letters passed between us, his lordship never in any instance whatever, dropped a single expression calculated to give me an opinion that he had any doubt as to the correctness of this fact, which he knew I was about publicly to state on his authority. Need I say any more to convince the public that I stated the fact in my publication of the 9th of August, exactly as I received it from his lordship? And, have I not some reason to complain, that his lordship now publishes a letter, through the means of Mr. Cobbett, (see p. 366) calculated to excite doubts with respect to the correctness of my statement, but at the same time, carefully avoiding to point out in what that incorrectness consists? If the statement had been untrue as to the principal fact just mentioned; if his lordship meant to say that he never informed me,

Grub Street. It must be observed, that in the letter last mentioned, he affects to say that any thing that was said at the dinner, respecting the probability of my rank being restored to me, must have come from himself, and not from Colonel Gordon. This was necessary in order to prevent his report of the conversation of "a Colonel Gordon" from appearing utterly improbable; because if the Colonel Gordon, in addition to having said that my case was before the King, had given it as his opinion that I should get my rank, it almost necessarily followed that this could be no other than Colonel Gordon the Duke of York's secretary; therefore, says Mr. M'Arthur in his letter to the editor of the Morning Chronicle, "I might probably add, from myself, that I hoped soon to see Mr. Johnstone gazetted;" but, as will be seen from his letter to me above quoted, no such addition of this was made as from him-

that the Duke of York assured him that he would recommend a restoration of my rank; if his lordship meant to say this, why did he not say it? And, if he did not mean to say it, did not justice towards me demand, that he should leave no doubt as to that meaning?

— If, however, it were possible to believe, that Lord Moira should entertain any doubt as to my principal fact just referred to, and yet should suffer me, after due notification to him given, to publish that fact to the world; if it were possible to believe this, it would, I think, be impossible to believe, that his lordship would, had any such doubt existed in his mind, have suffered the fact to be corroborated so strongly as it has been, by his silence with respect to Mr. Cobbett's letter of the 18th instant (see p. 366). His lordship writes to Mr. Cobbett requesting him to clear up a mistake, said by his lordship to have been committed in my statement. Mr. Cobbett, *six days* before he published his lordship's letter, writes to him to say, that he does not understand what part of Mr. Johnstone's statement is regarded as incorrect. He observes, at the same time, that the main fact, namely, the assurance of the Duke of York to Lord Moira that he would undoubtedly recommend to his Majesty to confer upon me the rank of major general; this fact, Mr. Cobbett observes, remaining undenied, the statement remains unimpaired, as to the conclusion therefrom to be drawn; and he adds, that he is totally unable to determine, whether, in his lordship's letter, this fact be intended to be denied, or to be admitted. Yet, after a space of six days, we see his lordship's letter in print, unaccompanied with the explanation,

self, but as from Colonel Gordon, the words of his letter being, "and he thought it probable you would get your rank."—No more need be said as to the part which the learned doctor has acted. The public will find no difficulty in passing sentence upon his conduct; though, I must say, that, in my opinion, that sentence ought not to be very severe. He was, and I believe with perfect sincerity, a friend to my cause; that he is so still, at the bottom of his heart, I have no doubt; and, if I am told, that good luck has placed him beyond every temptation to sacrifice his principles at the shrine of rank or of power, I answer, that the instances are very rare, where the mind, naturally formed for subjection, is, by any circumstances of fortune, elevated to feelings of independence: "Puss," as Æsop tells us, "though transformed into a beautiful maiden, was, after all, a mouser still."



the necessity of which was so forcibly pointed out by Mr. Cobbett. From all which, what other conclusion can possibly be drawn, than that this main fact *could not be denied*? And here again, I have to repeat my complaint, that his lordship should have proclaimed my statement to be incorrect, without having, even when called upon, so urgently and yet so respectfully, by Mr. Cobbett, acknowledged the correctness of this the principal fact contained in that statement. At any rate, if his lordship's reluctance to be explicit was not to be overcome by any considerations of justice towards me, will it be believed, that it was so powerful as not to be subdued by a regard for his own high reputation? In my letter to him of the 13th of August, I assert, that "*my facts*" had been stated with a scrupulous adherence to truth, though it is possible that I "*may, unfortunately, have erred in my conclusion;*" and, as my conclusion had been, "*that implicit faith would be given to the statement afforded to me by his lordship.*" is it possible to doubt, that his lordship would have lost any time to convince me of the error in my facts, if those facts had not to his knowledge been perfectly true? To conclude then, as to this part of the subject, it being, I think, clearly proved by the best evidence that the case admits of, that I stated no more than what was communicated to me, I must, if Lord Moira still persist in accusing my statement of errors, leave the public to judge (feeling less interest as to the decision than I should heretofore have felt), whether those errors originated with his lordship, or with the Duke of York.—Upon the supposition (for his lordship's letters leave me nothing but *supposition* whereon to proceed) that the mistake, to which his lordship alludes, relates only to the scheme, before mentioned, of sending Mr. Bond to the King with a statement, throwing the blame intirely on Sir Charles Morgan; upon the supposition, that it was the object of his lordship to cause it to be believed that the Duke of York had no participation in this scheme, an object, which, it will be confessed, it was natural enough in the Duke of York to wish to see accomplished; if this was the object, it would have been much more likely to be accomplished by his lordship's stating, that *he* unintentionally fell into an error, or, at least, was deficient in point of explicitness, in the information which he gave me upon the subject; for, as to myself I have committed no error at all, and, indeed, the statement itself does not say positively that the Duke of York, in his own person, did participate in the invention

of the scheme. That such a scheme was on foot, there needs, as was before observed, no other proof than the letter above inserted, written by Mr. Bond to me; that Colonel Gordon, or the Duke of York, was present at some one or more of the conferences when this scheme was discussed, is I think evident from the silence which has been observed upon the subject by Colonel Gordon, in his correction of the error committed by Mr. M<sup>r</sup> Arthur, as noticed in my address in Mr. Cobbett's Register of the 23d instant, (see p. 362 of the present number), that the Duke of York did participate in the scheme, too, is, I think, not less evident, it being altogether improbable that Mr. Bond would have received any intimation on the subject, until the Duke of York's consent had been obtained; and that the scheme was rendered abortive only from some apprehension with respect to Sir Charles Morgan, I am fully persuaded; but, whether the Duke of York be intitled to a share, or whether the whole merit of the scheme appertains to Lord Moira and those "*colleagues*" of whom he speaks in his letter of the 11th of August, is a question, which, as in the former case, must be left to the decision of that public, to whom I have now appealed, and on whom I confidently rely for that justice in this great cause, which has, in every other quarter, been refused.

A. COCHRANE JOHNSTONE.

Harley Street, August 29, 1806.

*Mr. Cochrane Johnstone's Address, published on the 9th August, 1806.*

TO THE PUBLIC.—Shortly after the present administration came into place, the Earl of Moira informed me that he had had an interview with the Duke of York, the Commander in Chief, upon the subject of my Case, to represent to His Royal Highness the extreme hardship of my situation, the justice and expediency of his immediately attending to the subject, and of moving His Majesty to confer upon me the rank of major general. Lord Moira informed me that at this meeting, THE DUKE OF YORK ASSURED HIM, OF HIS READINESS TO ATTEND TO THE SUBJECT, AND THAT HE WOULD UNDOUBTEDLY RECOMMEND TO HIS MAJESTY TO CONFER UPON ME THE RANK OF MAJOR GENERAL.—Lord Moira has informed me that several other meetings on this subject took place, both with the Duke of York and Colonel Gordon the Secretary of the Commander in Chief. At some of these meetings it was arranged that Mr. Bond the present Judge Advocate General should wait upon his Majesty and report



that upon inspecting the papers of his office after succeeding Sir Charles Morgan, (the former Judge Advocate General) he had perused the proceedings of my court martial, that he was sorry to state that Sir Charles Morgan had not made a correct report to his Majesty of the state of the proceedings, that it had consequently excited a considerable degree of uneasiness throughout the army, which could only be allayed by conferring upon me the rank of major general. I was also informed, that a letter to the same effect signed by the Commander in Chief was to be presented at the same time by Mr Bond to the King.—After this statement I never doubted but that my name would appear in the Gazette in a few days afterwards as Major General, and such also was Lord Moira's opinion, who congratulated me upon the state in which matters were.—Mr. Mc. Arthur, late Judge Advocate General to the Navy, the day after I had seen Lord Moira, informed me (agreeably to his letter, which I have now in my possession,) that he had, the day before, been in company at dinner with Lord Hutchinson, Colonel Gordon (the Commander in Chief's Secretary) and others; that a conversation had taken place with regard to my case; and that Colonel Gordon stated that it was then before his Majesty, and he did not doubt but that my name would appear in the Gazette in a few days as Major General.—Having waited a considerable period in the hopes, that day after day would have produced the wished-for decision in my case, and wearied with the state of suspense in which I was kept, I at last addressed the following letter to Colonel Gordon, Secretary to the Commander in Chief.—“*Harley Street, May 2, 1806.*”

“SIR,—Having been informed some time ago from unquestionable authority, that it was the intention of his Royal Highness the Commander in Chief, to advise his Majesty to cancel his acceptance of the resignation of the commission of colonel, which I tendered last year, and to confer upon me the rank of major general in the army, I had, therefore, given up my intention of pursuing another line of life, not doubting but that the gracious recommendation of the Commander-in-Chief, would have due weight with the King.—As a considerable time has elapsed since I received this information, and not having heard of any thing having been decided on the subject, I trust that you will pardon the liberty I take in requesting that you will be pleased to move His Royal Highness to favour me with the determination of his Majesty

“on the subject; for, if the door shall be finally shut against my anxious wish to join those of my own family who are daily gaining laurels in his Majesty's service, and who have evinced the loyalty and attachment of the name of Cochrane to the King's person and government, I must then make the strongest immediate exertions for retrieving my injured interests, and endeavouring to save the remains of a fortune, which the vindictive attacks of injustice and malice had so cruelly conspired to ruin.—I have the honour to be, with respect Sir, your most obedient and most humble servant.”

“(Signed) A. COCHRANE JOHNSTONE.”  
—To the above letter I received the following answer.—“*Horse Guards, May*

“3, 1806.—SIR.—I have to acknowledge your letter of yesterday, acquainting me that you had been informed of the intention of his Royal Highness the Commander-in-Chief, to advise his Majesty to cancel his acceptance of the resignation of the commission of colonel, which you tendered last year, and to confer upon you the rank of major general in the army; and, having submitted the same to the Commander-in-Chief, I am commanded to communicate to you, that His Royal Highness HAS NOT ENTERTAINED ANY INTENTION TO THAT EFFECT, NOR CAN HIS ROYAL HIGHNESS RECOMMEND SUCH A MEASURE TO HIS MAJESTY.—I have the honour to be, Sir, your most obedient humble servant,”

“(Signed) J. W. GORDON.—Having now submitted to the public what is consistent with my knowledge, of the attempt made by my noble and respected friend the Earl of Moira to procure me justice, it only remains for me to express my sense of obligation to his lordship, and my perfect conviction, which will, I am confident, be that of the public, that implicit faith will be given to the statement afforded to me by his lordship.—A. COCHRANE JOHNSTONE.—  
*London, July 10, 1806.*”

*Mr. Cochrane Johnstone's Address, published on the 23d August, 1806.*

TO THE PUBLIC.—Since the publication of my address, in Mr Cobbett's Political Register of the 9th instant (page 360), there have arisen certain circumstances, which would have produced, on my part, another address to the Public, which address, would have been accompanied with the whole of the correspondence between Lord Moira and others on the one part, and myself on the other part, relating to the Duke of York's



conduct with regard to the applications made to him for the restoring of me to that rank in the army, which is my unquestionable due; but, being at present, in doubt as to the purport of a communication, which I understand is, by Lord Moira, shortly to be made to the Public upon the subject of a supposed error in my address, above referred to, I think it proper to wait until that communication shall have been made, in order that I may know distinctly upon what it is that it will be necessary for me to observe.—In the mean time, however, it appears necessary for me to give an explanation of the error, which has been made the subject of a letter from Lieut. Col. Gordon, Secretary to the Duke of York, and which letter was published in the *Morning Post* of the 14th instant, in the following words:—"Sir;—  
 "An address to the Public, signed A. Cochrane Johnstone, having appeared in a weekly paper of last Saturday, containing the following words, viz." "Mr. M'Arthur, late Judge Advocate-General to the Navy, the day after I had seen Lord Moira, informed me (agreeably to his letter, which I have now in my possession), that he had, the day before, been in company, at dinner, with Lord Hutchinson, Colonel Gordon (the Commander-in-Chief's Secretary), and others; that a conversation had taken place with regard to my case, and that Colonel Gordon stated that it was then before His Majesty; and he did not doubt but that my name would appear in the *Gazette* in a few days as Major-General—" I think it right to state, that Lord Hutchinson, Mr. M'Arthur, and myself, were never together in the course of our lives; and that I have not, in the most remote manner, the pleasure of Mr. M'Arthur's acquaintance, never to my recollection having seen him; and that I never did, at any time or place, make use of any such words as those attributed to me, or of any words that could be so interpreted.  
 "—I am, Sir, your humble servant, J. W. GORDON"—The first thing to be noticed here, is, that the fact in question is by no means very material; for as the Public will perceive by referring to my address before-mentioned in the *Political Register*, (page 203), the great point in my statement was, that the Duke of York had assured Lord Moira, that he would recommend to His Majesty to confer upon me the rank of Major-General. This was the material fact, because, as will be seen from Colonel Gordon's letter, in the *Political Register*, (page 205),

the Duke of York had not, even long after I had received the above information from Lord Moira, entertained any intention to give such a recommendation to His Majesty.—The information given to me by Lord Moira was amply explicit and circumstantial; and, though forming a striking contrast to the information given to me by Colonel Gordon, was, as I believed, and as I still do believe, strictly true. It was, therefore, for the purpose of corroborating the statement of Lord Moira, that I introduced into my address, before referred to, what had been said by Colonel Gordon, in the presence of Mr. M'Arthur; and not for the purpose of bringing forward any new circumstance, none at all being necessary to elucidate the merits of the case, or to characterise the conduct of a principal party concerned. Nevertheless, there having been an error as to the mere identity of Col. Gordon, it is proper here to state, that it was another Colonel Gordon of the 67th Regiment, with whom Mr. M'Arthur had dined, as is stated in my former address, and whom he took for Colonel Gordon, Secretary to the Duke of York. This I learnt from an explanatory letter, written to me by Mr. M'Arthur, on the 14th instant, and not received, (owing to my being at a great distance from town) until the 18th instant. From this letter, it would appear, that there was some misconception on my part with respect to the parties at dinner; it would appear, that there were in question, two dinners in place of one; and, that Mr. M'Arthur, though he actually had the honour of meeting Lord Hutchinson at dinner, somewhere or other, (agreeably to the information which he has taken care now to repeat), had not the honour to meet his lordship in company with Colonel Gordon.—But, though these mistakes arising, apparently, from a harmless desire in Mr. M'Arthur to be thought familiar with great men, are very unimportant in themselves, it is not unimportant to observe, what has been the conduct of the real Colonel Gordon upon this occasion, and what inference naturally flows from that conduct.—It being now evident, that this Colonel Gordon was not the person with whom Mr. M'Arthur conversed, it is also evident, that the assertion attributed to him ceases to form a corroboration made by Lord Moira to me; but the statement of Lord Moira still remains, and the conclusion to be drawn from it, as contrasted with the statement contained in the letter of Colonel Gordon of the 3d of May, still hangs suspended over the heads of the parties.—With respect to which of the parties is affected by that conclusion, the



Public may, perhaps, be somewhat less decided in their opinion than they were before; but, if Colonel Gordon has, by his letter, removed a slight corroboration of the statement of Lord Moira, he has, by his silence, afforded a strong corroboration of the truth of that statement. For, when a man undertakes to remove the errors, which he finds in a statement respecting matters wherein he himself has been an actor, he undertakes to remove not a part, but the whole, of such errors. What are we, then, to conclude from the silence of Colonel Gordon with respect to the meetings, which, agreeably to the statement of Lord Moira, took place both with Colonel Gordon and the Duke of York, relative to the means to be used in order to obtain a restoration of my rank? In the part of my address, to which Colonel Gordon has thought it necessary to publish an answer, he is spoken of merely as having said, at a dinner party, that my case was before His Majesty, and that he did not doubt that my name would shortly appear in the Gazette; but, in another part of the same address, he is represented as having been one of those who assisted at consultations as to the mode in which the matter should be submitted to His Majesty with the faintest probability of success. Now, if this part of Lord Moira's statement to me be correct, it almost necessarily follows that the other material parts are correct also, it being altogether improbable that such consultations would have been held, had not the Duke of York expressed his readiness to recommend to His Majesty the measure in contemplation; and, if this part of Lord Moira's statement had been incorrect, will it be believed, that Colonel Gordon, having undertaken to correct errors in my address, would have suffered this most important error to pass entirely unnoticed? In short, there are few persons, who will not perceive of how much greater consequence it was to remove the effect of Lord Moira's statement, than it was to remove the statement of Mr. M'Arthur; and of course, it would be concluded, that Colonel Gordon left the statement of Lord Moira untouched, only because he knew it to be true.—Having explained the cause of the mistake, corrected with so much solemnity by Colonel Gordon, the subject must be permitted to rest here, until the intended communication of Lord Moira, above noticed, shall have been made to the Public.

A. COCHRANE JOHNSTONE.

Harley Street, 67,

August 18, 1806.

TO MR COBBETT.

SIR;—I beg you to add this line or two, by way of Postscript, to the address which I sent you for publication on the 18th instant.—Since that address was written, I have seen in the Morning Chronicle, a letter from Mr. M'ARTHUR, upon which I shall content myself with the following remark with respect to the two letters, which he informs the Public he wrote to me on the 11th and 13th instant, and which he complains of my not having noticed: The mistake made by Mr. M'ARTHUR, will be found to be rectified in my address of the 18th and, as to an answer to the two letters, such was the style and tone of them, that it was impossible to answer them except in one mode, and from adopting that mode I was prevented only by circumstances of locality.

A. COCHRANE JOHNSTONE

21st August, 1806.

*Lord Moira's Letter to Mr. Cobbett, dated St. James's Place, August 14, 1806*

SIR;—In your paper of Saturday last there is an Address to the Public, in which the Hon. A. Cochrane Johnstone endeavours to arraign the Duke of York of inconsistency by contrasting a letter from the Military Secretary of his Royal Highness with a statement which he (Mr. Johnstone) supposes himself to have received from me. Mr. Johnstone will probably, in consequence of my having by letter indicated to him his misconception, request you to explain an error assuredly unintentional on his part. But in case he should omit it, your justice will lead you upon my testimony to clear up the mistake in such manner as you may think best. Conferences with other persons the substance of which I mentioned to Mr. Johnstone, have been misconstrued by him into repeated interviews with the Duke of York upon the subject in question: and on this ground the commander in chief is most erroneously taxed with first actively participating in measures suggested for the advantage of Mr. Johnstone and then subsequently disclaiming any knowledge of them. The imputation is completely unfounded, and could only have arisen from the misapprehension to which I have alluded.

I am, Sir,

Your obedient servant,

Mr. Cobbett. (Signed) MOIRA.

*Mr. Cobbett's Answer to the above, dated Botley, Southampton, 18th August, 1806*

My lord; I have but this day received the letter, which your lordship did me the honour to address to me on the 14th instant, and which, by being left at Mr. Budd's in Pall Mall, has been thus retarded on its way.—



While I feel conscious, that your lordship does not over-rate my love of justice, in supposing that I shall be ready to clear up any mistake, that Mr. Johnstone may, through the pages of the Register, have unintentionally led the public to adopt; while I am, in no common degree anxious to give effect to your lordship's wishes by publishing an explanation of what you consider as an error, I must confess, that I do not, from your lordship's letter, clearly comprehend the extent of those wishes.—The main fact, in Mr. Johnstone's statement, is, "that, shortly after the change of ministry, in February last, your lordship told him, that the Duke of York had assured you, that he would undoubtedly recommend to his majesty to confer upon Mr. Johnstone the rank of Major General." That fact, undenied, the statement remains unimpaired, as to the conclusion therefrom to be drawn; and, I am totally unable to determine, whether, in your lordship's letter, that fact be intended to be denied, or to be admitted. It appears to me, therefore, that the mode, in which I shall be most likely to fulfil the desires of your lordship, will be to publish, in my next Number, your lordship's letter that I now have before me, which mode, unless I am apprized of your lordship's pleasure to the contrary, I shall conclude you approve of my adopting.—Begging leave to conclude with an expression of my deep regret, that a cause, which your lordship espoused from a high sense of its intrinsic justice, as well as of its importance to the army and to the preservation of public liberty, should have dwindled into a controversy as to the manner of its being defeated. I remain, my lord,

your lordship's most humble  
and most obedient servant.  
To the Earl of Moira. WM. COBBETT.

*Mr. M. Arthur's Letter to Mr. Cobbett,  
dated Cheltenham. August 17, 1806*

Sir,—Having seen, while on a visit at this place, an address in the Political Register of the 9th inst. signed by the Hon. A. Cochrane Johnstone, in which he has unwarrantably introduced my name, and misrepresented a conversation that took place at a dinner-party last spring, where it is said Lord Hutchinson, and Col. Gordon, Private Secretary to His Royal Highness the Commander in Chief, were present; and having given him an opportunity to correct his statement, by two letters addressed to him in town, on the 11th and 13th inst. which he has not noticed, I now think it

my duty thus publicly to state the facts as they really occurred.—1st, I positively deny having ever mentioned, in conversation or in writing, that I had met Lord Hutchinson and Col. Gordon, the Secretary of H. R. H. the Duke of York, at one and the same party; and, as Mr. Johnstone has insinuated that I wrote him in May last to that effect, I call upon him (as I have already done by my letters of the 11th and 13th) either to produce such writings, or to correct his statement in a public manner.—2d, Having, to the best of my recollection, early in March last, met Mr. Johnstone in the streets of London, some days after I had dined with a large party at my friend Mr. Lambert Blair's, of Gloucester Place, I casually mentioned to him that there had been a conversation respecting his Court Martial (then a common topic), and that I was glad to find, from an observation made by a Colonel Gordon, "that his case was laid, or would be laid, before his Majesty for consideration," or words to that effect; and I might probably add from myself, that I hoped soon to see him gazetted. This was the first and the only time I had seen this Col. Gordon, and on my describing his person to Mr. Johnstone, he took it for granted, and I must confess, that from what then passed, I was led to believe, that the Officer alluded to was his Royal Highness's Secretary, to whose person I was totally a stranger; whereas, I am now convinced, that he was another Colonel of the same name.—3d, On meeting Mr. Johnstone occasionally afterwards, I inquired into the progress or result of his case, to which I was prompted by a warm predilection in his favour, conceived early on our acquaintance, which originated in his having presented me with a copy of his trial by Court Martial immediately on its publication, and was continued by occasional friendly communications.—4th, Early in May last also, to the best of my recollection, for I have not here Mr. Johnstone's letter, he wrote me, politely requesting that I would give him the particulars of what Col. Gordon had said at the dinner-party alluded to. In return, I stated the conversation to the effect I have now mentioned, never suspecting it possible that Mr. Johnstone, unknown to me, would make any, and still less an improper, use of a mere friendly communication. But here I explicitly deny having in my said letter made any mention of Lord Hutchinson's name, or of his having been of the party with Col. Gordon.—5th, Indeed I cannot possibly account for this last glaring incorrectness, otherwise than by



supposing that I might possibly have mentioned to Mr. Johnstone, at the first conversation in the street, the fact of my having had the honour of meeting Lord Hutchinson at a small dinner-party at a military friend's, a week or ten days prior to the other party, but at which there was no gentleman of the name of *Gordon* present; and that Mr. Johnstone, trusting to memory, instead of referring to my letter, has unfortunately for himself, blended those very respectable names in one party, upon the alleged authority of a letter from me; a letter which, could I have written it as he has represented, must be interpreted into a *voluntary* as well as an *indecorous* act; because, Mr. Johnstone has not informed the Public, to whom he appeals, that my letter was written positively in return to the letter from him before-mentioned—Here, I cannot resist observing, that, if a friendly well-meant report of a conversation is to be caught at and misrepresented, even though unintentionally, to serve one private purpose or another; and if, without authority, the report of such conversation (say that it were correct) is to be published, with the names of high and respectable characters, in the sheets of a periodical paper, there must be an end to all confidence between man and man in the reciprocal relations of social life. But having stated the facts, I shall make no further comments upon them.—I am, Sir,

(Signed) JOHN M'ARTHUR,

#### SUMMARY OF POLITICS.

"DELICATE INVESTIGATION." — A person, after reading the last article upon this subject, in the preceding Number of the Register, page 261, observed, "no answer will ever be given to that." He was right; but, it did not follow, that the famous logician of the MORNING POST was not to write about it; that he was not to revile me; that he was not to wriggle and wince and shuffle; and that he was not again to have recourse to all the tricks of a beaten though unyielding disputant.—In his paper of the 26th instant, he has sent forth three deadly columns by way of answer to the article of last week, as referred to above.—In describing the witnesses, in his former article, he said, that they consisted of a gentleman and his wife, and of some "menial servants, formerly belonging to Carlton House." Upon which latter base and disloyal, really disloyal, insinuation, I made such remarks as appeared to me proper, in order to remove the impression, which it was evidently intended to produce; and, I trust, that I did clearly shew, that the said

menial servants had not been and could not have been, appointed by the PRINCE; and that, therefore, the insinuation was most abominably wicked. The writer of the Morning Post seems to have sense enough to perceive the conclusion that the public would draw from this exposure; and he, accordingly, endeavours to defend himself, thus:—"To return to the matter that concerns us more particularly: this writer thinks it gives a bad air to the defence of the Princess, to begin by depreciating her accusers. The public will recollect that we never said any thing against the accusers till we stated the absolute falsehood of the charge upon high authority. Our depreciation of them was the consequence, and not the means, of the total falsification of the charges exhibited by them. He then comes to the witnesses, among whom we have stated that there were some menial servants who formerly belonged to Carlton House. In this he infers there is an insinuation on our part that these servants acted under the influence of Carlton House. This is an excellent specimen of the justness of his inferences, and the fairness of his reasoning. He then goes on to say, professing a total ignorance of the fact throughout, that, doubtless, these menial servants belonged to Carlton House, when it was the habitation of their mistress; that they came from Germany with the Princess, that they left it with their mistress by her own free choice, &c. What an astonishing facility this man displays, to fabricate facts in order to support absurd and malevolent inferences! All that we have been able to learn of the fact, and this writer confesses he knows only what he has derived from us, is merely what we have stated; that some of the witnesses were menial servants who formerly belonged to Carlton House; how and when they came or went away; who or where they are, or what country gave them birth, we know not, and therefore do not pretend to say, because absolute ignorance is never a ground for positive assertion with us, though, doubtless, it is so with this writer."—Reader, did you ever before witness shuffling like this? Poor, paltry, shuffling! Methinks I see the writer, upon his first perusal of my remarks, looking like one of "the well-dressed rabble" who has just been detected at cogg'ing a die. So, my good, candid Sir, you have merely stated all that you knew about the witness; you knew (how you do not tell us) that they formerly belonged to Carlton House: but



you do not happen to know how or *when* they came or went *away* from that house; you do not know *who* they are, *where* they are, nor of *what country* they are of; as to all these circumstances, you are in “*absolute ignorance*”; all that you have been “*able to learn*” is, that “*they formerly belonged to Carlton House*”; and so you have just stated *all* you knew! But, though you are so anxious to rub off the charge of maliciously and disloyally insinuating, that these servants have come forward under an influence from Carlton House; though you meanly flee from the natural effect of this charge, take my word for it, that you will find no shelter from the indignation of the sensible and just part of the public, until you can produce a satisfactory reason *why* you introduced the circumstance of the witnesses having formerly belonged to Carlton House. The objecting to my word “*doubtless*” is mere cavilling. That the menial servants, if ever they belonged to Carlton House, belonged to it when it was the habitation of their mistress; that they quitted it with her; and, that, at any rate, they were not servants selected by Carlton House, there can be *no doubt*; does it not, therefore, argue an extremely weak cause, on the part of this writer, to hear him objecting to the word “*doubtless*,” as applied to the affirmative of these positions? This cavilling will avail him nought. By introducing the circumstance of the witnesses having formerly belonged to Carlton House, he has exposed himself to the charge of a most foul and most disloyal insinuation; and, in his defence against this charge, he has had recourse to a shuffle, the shabbiness of which is equalled only by its folly.—The next charge that I made against him, was, that he, having (*falsely*, I trust) informed the public that a report upon the conduct of a certain person stated that she had fallen into “*some trifling levities*,” had asserted that “*NO WOMAN IN THE WORLD WAS FREE FROM SUCH LEVITIES*,” and that, upon the supposition that he meant levities approaching, in any degree, towards gross familiarity with men, he was guilty of an “*infamous calumny*” upon the women of England in general. This charge was, as the reader will clearly perceive, *hypothetical*; because, not having defined the meaning of the words “*trifling levities*,” not having (though he could, as he pretends, tell us the exact time and manner of the port’s being delivered) condescended to tell us *what sort* of levities those were, of which he was speaking; not having told us positively whether it was by the Committee, or

by himself, that the epithet “*trifling*” had been originally prefixed to the levities in question; not having clearly expressed himself as to these essential points, it was impossible for me, as yet, to make my charge against him positive. Let us now see, then, how he has defended himself against this hypothetical charge:—“This candid writer gives a long dissertation upon our statement that the report of the commissioners of inquiry was said to notice some *trifling levities*. It IS CERTAINLY NOT VERY EASY TO AFFIX ANY DEFINITE IDEA TO THESE TERMS; but no one can be *at a loss* to conceive the *kind of thing* that is meant; and any one who pretends to be at a loss to conceive it, for the purpose of annexing to it his own gross conceptions, and thence deducing false, unjust and monstrous inferences, is guilty of a forgery of the basest nature, with a view to promote the most shocking and criminal design. This writer speaks of “*talking love to a parrot, kissing a lap-dog, or hugging a monkey, as acts that may possibly be denominated levities by us*.” Then he says, “*that if by levities we mean any thing approaching to acts of gross familiarity with men, the women of the land of whom we said no one was free from some trifling levities, were calumniated by us*.” What is the object of this extraordinary and extravagant interpretation of a PLAIN INTELLIGIBLE TERM? Does this writer mean to charge the Princess with these things to which he artfully and designedly considers the denomination of levities may possibly be applied? Does he mean, by a cowardly insinuation, to impeach the purity which he disclaims all intention of questioning? If he does not mean this, what does he mean? With all his affected boldness, it is clearly ascertained that he is a man ready to shrink from real danger, however ready to press forward where no risque is to be apprehended. He has to choose which of these two interpretations he will give to his language on this point; either that it is a cowardly insinuation of what he dared not to prefer as an open charge; or words without meaning, by way of illustrating an absurd and foolish misconception. He has to select for his characteristic, either cowardly malice, or absurd folly. Every person *who knows any thing of the world*, must easily understand what we described as a few trifling levities, which may be exaggerated into matter of crimination by the malice



“ of the worst of sycophants, those prepared to seduce, with a purpose to betray. “ From such levities, with every care for “ the virtue of our fair and honourable “ countrywomen, but with a full sense of “ the power of malice, we say no woman in “ the land is free, not even those much respected and justly respectable ladies “ named by this writer.”—He who, in disputing, feels his weakness, is sure to fly off from the subject; and, if it will afford this writer any gratification, it may be observed, that, in this respect, he is an imitator of PITT, who, when he was unable to speak to the matter in question, always, though with more dexterity than this gentleman is master of, diverged into something foreign thereto, and, not unfrequently into a personal attack. But, I will not follow this gentleman: his calling me *coward*, or *fool*, or both at once, shall not draw me from the point in view; shall not prevent me from observing, that he has not now, though his defence against my charge of having grossly calumniated the women of England depended upon it, explained *what he meant* by “*trifling levities*,” he may apply to me every opprobrious term that the dictionary contains, but he shall not prevent me from observing, that those words, which, in one place, he calls “*a plain and intelligible term*,” he says, in another place, do “*certainly not admit of having affixed to them any definite idea*,” he may rail till he disgust even his senseless readers; and he may assert that “*every person who knows any thing of the world must easily understand*” a phrase, to which *no one can affix any definite idea*,” but he shall not prevent me from again calling upon him to explain what *he means* by that phrase; and from again calling upon him to tell us how it happens that he, who, as he pretends, is so well informed upon every other point of this important matter, has not told us by *what words* the “*trifling levities*” are described in the report, which he asserts to have been made, and respecting the delivery of which he is so minute in his account; he may curse on, until the tongue of him cleave unto the roof of his mouth, but still will I say to him, thou son of subterfuge, tell me plainly what thou meanest by “*trifling levities*,” or I still arraign thee for having grossly calumniated the women of England.

—In consequence of his observations upon what he represents as the *unsupported and helpless* situation of the royal lady, of whom he chooses to speak, I shewed clearly, as I think, in pages 268 and 269, that his representation was false. I shewed, that there

was no deficiency in point of friends or of means; and, I asked, “*what need was there of ADVICE with respect to a matter like that in question?*” What is his answer? Does he remove, or attempt to remove any effect which my observations, upon this head, may have produced? No such thing; but, what he wants in argument he amply makes up for in point of assurance: “*What we have said*,” says he, “*of the exposed and unprotected situation of the Princess, we will not now repeat. Every one feels it; and to attempt to question it, is to tell a gross and odious falsehood, with the certainty, that it will impose upon nobody.*”—This is his way. He tells us (for as to the *fact* I reason not upon that) that “*trifling levities*” have, no matter by whom, or whether truly or falsely; but *he tells us*, that certain “*trifling levities*” have been imputed to the illustrious personage in question, and he gives a reason why such levities ought, in this case, to be thought nothing of. I show, or, at least, I think, I show, that that reason is unfounded; and he, though he condescends to publish a reply of three columns length, deigns not to point out a single error, either in my premises or my conclusion; but contents himself with the bold, though bare, assertion, that to “*attempt to question*” the truth of what he has said is to “*tell a gross and odious falsehood.*” Verily, my friend, that cause must be a prosperous one indeed that thrives in hands like thine! That client must indeed be innocent, that escapes from thy defence without strong presumption of his guilt!—At the outset of my observations (in page 265), a hope was expressed, that, as the report was, according to this writers’ assertion, *in the hands of the Princess*, we should hear, on his part, no more complaints that the report was *withheld from the public*; and, it was, at the same time, noticed, that, *before* the report was, by him, said to be made, he *dared* certain of the parties to publish it; and, that he threw out most intelligible insinuations, that these parties withheld it, because it would discover who were *the instigators*, which instigators, and particularly the principal one, was pretty clearly designated. But (for this is of vast importance) let us read again his remarks of the 7th of July here adverted to:—“*We shall be sorry to find a determination not to publish the report acted upon, as it will enable the calumniators who have preferred the charge, to shelter themselves from public indignation, under the veil of state secrecy. The nation instead of being accurately*



“informed of the precise nature of the accusation, by whom it was preferred, by what motives it was prompted, by what evidence it was supported, what part every one concerned took in it; instead of being, as it ought to be, accurately informed upon all these points, the nation will be left to form its own conjectures upon every one of them. *No wonder, that, if in such a latitude rumours should exist extremely injurious to some very EXALTED characters, who, it is most material to the satisfaction of the public, should stand altogether clear of any concern in the transactions that have led to the investigation.* Conjecture is a thing so incapable of restraint, that it will always be more active, in proportion as any attempt is made to restrain it; and it is ever sure to penetrate into those recesses from which particular care is taken to exclude it. What is most material to be shewn is, that there has been no encouragement, no invitation to the fabricators of the charge; that there has been *no subornation.* We are informed from a very respectable quarter, that two anonymous letters have been received at different periods by a gallant officer, whose name has been much mentioned in the universal conversation that has prevailed upon this subject. These letters held forth *immense advantages*, in return for, and as an inducement to the disclosure of any matters tending to criminate the illustrious personage, the purity of whose conduct has now been established by the strictest investigation. In the indignation which must have fired any manly mind upon the perusal of so base a proposition, the first letter was torn to pieces: but on reflection the fragments were collected and rejoined: and this letter as well as the second is still in existence. The second letter followed the first at the interval of some months, and expressed surprise that no notice had been taken of its precursor; it stated the proposition, which it renewed in still stronger terms, *to come from HIGH AUTHORITY.*”

—Now, as to the “EXALTED characters” and the “HIGH AUTHORITY” here represented as liable to be suspected of *subornation*, and of withholding the report in order to prevent the proof of their guilt from reaching the public, I must leave the reader to say, at whom he supposes this most candid, most manly, and most loyal writer particularly to point. But, the main fact for us to keep in view is, that, as he tells us, the Princess has had the report in her pos-

session ever since the 11th instant; and now, bearing in mind that he told us, that the Princess had written to the King, requesting, in the most pressing terms, *that the report might be published;* bearing this in mind, let us now hear what he has to say in answer to the part of my last article (page 265) where, upon a supposition, for argument's sake, that his statement about the delivery of the report was true, I presume that we may be permitted to ask the reason why the Princess does not cause the report to be published. “To enquire,” says he, “WHY the Prince, or WHY the Princess of Wales, does not become the publisher, is not, in our opinion, consistent with the respect due to those exalted individuals, though the publication is essentially necessary in justice to both.” We did understand that the publication was to have been made by the Commissioners, under His Majesty's Authority. If ALL those whose names have been irreverently implicated in this extraordinary affair are to be pronounced guilty, unless they publish such part of the proceedings before the Commissioners as may have come to their knowledge, *why have not those innocent informers, who have been so injuriously characterised as infamous calumniators vindicated themselves by the publication of the particulars of the guilty transactions of which they were informed, and the evidence by which their information was supported?*—

And, this, *this* is his answer! This is all he can say in answer to my question! Piti-ful subterfuge! Does he not see reason upon reason why the Prince should not become the publisher? And as to the witnesses taking upon them to publish the evidence, either in words, or in substance, does he not know; however famous he may be for the profundity of his ignorance, does he not know, that such publication, if unpleasant in its purport, would, whether false or true, introduce all the parties concerned to the agreeable variety to be found, in fine, imprisonment, and the pillory? Does he not well know, that there is not a printer or bookseller in London, who, upon having such a publication tendered to him, would not shrink into a size that you might thrust him through a key-hole? How mean, how despicable, then, is it, to attempt, by such a comparison, to get rid of the plain and simple and natural question, which I put, and which every man puts, with regard to the silence, as spoken of by this writer, of the Princess of Wales, who, if the report has been delivered to her, as this writer



asserts, has the right and the power to publish it whensoever and wheresoever she pleases?—When a weak man is defeated in dispute, he falls into a passion, which he generally vents in reproachful words; and, if he be at once weak and malignant, as is, indeed, frequently enough the case, he then, if he has the power, has recourse to *the law*, which, as far as it relates to the press, may be considered as the great foster-mother of stupidity. Accordingly, my foolish friend of the *Morning Post* concludes by calling upon the *Attorney General* to come and see what *he* can do with me; or, in default of power, to procure *new laws* to be passed, giving him power sufficient for the purpose! Indeed, this writer appears to have an eye, in this case, to the laws against *sedition*, if not to those against *treason*: “We copy,” says he, “this passage for the purpose of exposing the Writer to the merited detestation of all classes of the community, but chiefly of the higher orders of the State, and the more elevated ranks of Society, whom this Writer has, in his *revolutionary cant*, described as ‘the well-dressed rattle of the readers of the *Morning Post*.’” “We hope the *Attorney-General* will look to this.”—Yes; look, to see that the readers of the *Morning Post* are not laughed at! But, though I certainly shall, to any charges such as he prefers against me, plead not guilty; and, though I am confident that I should, in any of the courts at Westminster, be clearly acquitted of treason, I am afraid, that, if tried in a court of criticism, I might be convicted of thieving from POPE:

“Leaves the dull Cits, and joins (to please the  
“fair) ”

“The well bred Cuckolds in St. James’s air.”

Which object of imitation, however, while it may serve to convict me of plagiarism, will, I trust, unless that which is permitted in poetry be absolutely prohibited in prose, also serve to ward off from me the charge of “*revolutionary designs*,” evinced by my description of “the well-dressed rattle” that read the *Morning Post*.—In conclusion, I beg leave to remind the reader, that this discussion was not sought for by me; that it arose out of a wish expressed by the writer of the *Morning Post* to see a Baronet and his Lady put to death, for being, as he said, the accusers of an illustrious personage; and, that, through the whole of the discussion, I have never even supposed any offence, of any sort or degree, to have been committed by that illustrious personage; that I have combatted with the false facts and false rea-

soning of the *Morning Post*; that I have given no opinion at all as to the real facts of the case; and that, above all things, I have used no means whatever of exciting a public prejudice against any of the parties concerned.—My wish is not to discover guilt, but my duty is to discover truth, whether it bring to light guilt or innocence. That, in the present instance, innocence may be brought to light, is my wish, as it must be the wish of every man, who thinks, as I do, that the independence and happiness of the country are inseparable from the stability of the throne, and that that stability depends, in a great degree, upon the reputation of the members of the Royal Family; but, I am, at the same time, one of those, who do not believe, that that reputation is to be supported by the disguising of truth, and by the administering of flattery upon any of those occasions where the case calls aloud for admonition.

NEGOCIATION FOR PEACE.—It is quite amusing to observe the means, which the newspapers attached to the people who are called “THE OPPOSITION,” have recourse to, in order to prepare the way for an outcry against the *terms of peace*, if peace should be the result of the present negotiation. They have been put down upon the subject of our *pecuniary resources*. The display of our Naval Superiority is good; but, there may be too much of a good thing; and they have found, that this has now little effect, it being next to impossible to conceive what impression can be made upon the enemy by this superiority alone. SOUTH AMERICA has, therefore, been found out, as an object containing at once the requisites of novelty, the means of employ for our fleets, and the means of affording us what these wiseacres think will soon pay off the national debt! From a long dissertation in the *Courier* of the 26th instant I shall take a passage or two, leaving the reader to make his own remarks upon them.—After detailing, in a very rapid way, how BUONAPARTE will proceed, until he has dethroned the monarchs of both Spain and Portugal, and, of course, taken possession of South America, the writer proceeds to describe the use that he will make of that conquest, which is, principally to take from us the West India Islands. Having thus premised, he goes on thus: “And all this will be going on whilst the pacific ministry of England will be teaching us to believe that our only chance of salvation is in submission to Buonaparté, in offering incense to his vanity, and surrendering up objects of his ambition. We shall be



“ told of the “ dilapidated means and re-  
 “ sources” to which the Foxites succeeded,  
 “ and of the impossibility of discovering a  
 “ new object of taxation. Spanish Ameri-  
 “ ca will be represented as an incumbrance.  
 “ A few months ago the Morning Chroni-  
 “ cle represented it as such, and deprecated  
 “ the idea of attempting to take it. The  
 “ language of the Foxites is, that we have  
 “ already too many colonies, and of course,  
 “ that Buonaparté may take all he can find.  
 “ Look at their publications of last winter.  
 “ See in Cobbett and the Chronicle, both  
 “ equally execrating the commercial inter-  
 “ rests of this country, and representing  
 “ that it would be a benefit to society, if the  
 “ plough were to pass over the city of Lon-  
 “ don. Have we forgot Cobbett’s trium-  
 “ phant tone when asserting that Balaam  
 “ must yield his gold to the iron of Buona-  
 “ parté? Have we forgot the malignant joy  
 “ with which the Chronicle announced  
 “ that “ this purse-proud, ignorant gene-  
 “ ration would soon be humbled?” And  
 “ can we doubt that the revolutionary reve-  
 “ ries of Mr. Windham, which look to an  
 “ agricultural and rural state of society, ra-  
 “ ther than to commercial and maritime  
 “ strength, will be acted upon in preference  
 “ to that system which alone has made and  
 “ can continue the existence of the British  
 “ empire? The fee simple of Spanish Ame-  
 “ rica would be to this country equal to the  
 “ amount of our national debt. What has  
 “ enabled us to carry on the war so long, at  
 “ an expense which thirty, nay ten years  
 “ ago, no man believed it possible for this  
 “ country to bear, but our increase of colo-  
 “ nies and consequent increase of com-  
 “ merce? It would astonish the public to  
 “ know the great riches we have derived  
 “ from the Dutch colonies alone of Deme-  
 “ rara, Esequibo and Surinam, which will  
 “ probably be thrown away in a treaty of  
 “ peace by our ministers as if they were in-  
 “ cumbrances. Out of such fertile colo-  
 “ nies, British industry and capital have ex-  
 “ tracted prodigious wealth. What might  
 “ we not draw from Spanish America,  
 “ having as we still have, though Lord  
 “ Howick is still First Lord of the Admiral-  
 “ ty, the sovereignty of the seas? With the  
 “ sources of the precious metals in our  
 “ hands, we could controul commerce in  
 “ peace nearly as much as we do by our na-  
 “ vy in time of war. With the monopoly  
 “ of the trade of the richest, most exten-  
 “ sive, and naturally strongest colonies in  
 “ the world, our commerce and manufac-  
 “ tures would rise with a new life, would  
 “ expand with a new vigour which would

“ make our national debt be felt but as a  
 “ feather, while its redemption would be  
 “ rapidly going on by means of the sinking  
 “ fund. Our increase of commerce would  
 “ also necessarily augment our maritime  
 “ strength, and circumscribe that of the  
 “ enemy. France, it is reared, may one  
 “ day reach our East Indian dominions  
 “ overland with her armies; but Spanish  
 “ America is not so vulnerable; so detach-  
 “ ed from Europe; it would always belong  
 “ to that nation which held the trident of  
 “ Neptune. From it we should derive  
 “ new sources of wealth to counterbalance  
 “ our new burthens, and the conquest of it  
 “ would more firmly establish us as a colo-  
 “ nial and maritime power than any other  
 “ step we could take.”—These observa-  
 “ tions are, as the reader has perceived, partly  
 “ of an historical, partly of a philosophical,  
 “ and partly of a prophetic cast; and, with  
 “ respect to the qualities exhibited in each,  
 “ one may say, that the philosophy is as fool-  
 “ ish as the history is false, and that the pro-  
 “ phesy possesses the merits of both the others.  
 “ This gentleman, who writes in the Courier,  
 “ is a tolerably good hand at a party paragraph.  
 “ He turns you off three or four columns of  
 “ lobby gossiping with wonderful dexterity;  
 “ and I have often admired to see how, laying  
 “ hold of the passions of party men, he puz-  
 “ zles, hampers, and distresses them. But,  
 “ here he is got out of his depth. He evident-  
 “ ly has never spent a day of his life in *think-*  
 “ *ing* upon the subject; and, though, proba-  
 “ bly, with very good intentions, he would,  
 “ had he the power, soon show us the conse-  
 “ quence of being under the rule of a noddle  
 “ that has conceived the brilliant idea of pay-  
 “ ing off the national debt by the means of a  
 “ war for the conquest of South America, in-  
 “ cluding the mines of Peru and Mexico!—  
 “ At present I have no room for any further  
 “ remarks. In my next, if I find the subject  
 “ still agitated, I may submit some few obser-  
 “ vations thereon; but, until this writer shall  
 “ have answered my article contained in the  
 “ VI. volume of the Register, page 595, he  
 “ must not expect me to notice any thing  
 “ that he may say.—*Botley, August 28,*  
 “ 1806.

## PUBLIC PAPER.

CONFEDERATION OF THE RHINE.—*Act of Con-*  
*federation of the Rhenish League, Done*  
*at Paris, July 12, 1806.*

(Concluded from p. 316.)

Art. XXVI. The Rights of sove-  
 reignty consist: in exercising the legis-  
 lation, superior jurisdiction, administra-  
 tion of justice, military conscription, or



recruiting, and levying taxes.—Art. XXVII. The present reigning princes or Counts shall enjoy as patrimonial or private property all the domains they at present occupy, as well as all the rights of manor and entail that do not essentially appertain to the sovereignty, viz. right of superior and inferior administration of justice in common and criminal cases, tithes, patronage, and other rights, with the revenues therefrom accruing. Their domains and chattels as far as relates to the taxes, shall be annexed to the prince of that house under whose sovereignty they come, or if no prince of the house be in possession of immoveable property, in that case they shall be put upon an equality with the domains of princes of the most privileged class. These domains cannot be sold or given to any prince out of the confederation, without being first offered to the prince under whose sovereignty they are placed.—Art. XXVIII. In penal cases, the now reigning princes and counts, and their heirs shall preserve their present privileges of trial. They shall be tried by their peers. Their fortune shall not in any event be confiscated, but the revenues may during the life time of the criminal be sequestered.—Art. XXIX. The confederate states shall contribute to the payment of the debts of their circle as well for their old as their new possessions. The debts of the circle of Suabia shall be put to the account of the Kings of Bavaria and Wirtemberg, the Grand Duke of Baden, the Princes of Hohenzollern, Hechingen, and Siegmaringen, the Prince of Lichtenstein, and Prince of Leven, in proportion to their respective possessions in Suabia.—Art. XXX. The proper debts of a prince or count who falls under the sovereignty of another state, shall be defrayed by the said state, conjointly with the now reigning prince in the proportion of the revenues which that state shall acquire, and of the part which by the present treaty is allotted to attach to the attributes of the present sovereigns.—Art. XXXI. The present reigning princes or counts may determine the place of their residence where they will. Where they reside in the dominions of a member or ally of the confederation, or in any of the possessions which they hold out of the territory of the confederation, they may draw their rents or capitals without paying any tax whatever upon them.—Art. XXXII. Those persons who hold places in the administration of the countries which hereby come under the sovereignty of the confederates, and who shall not be retained by the new sovereign, shall receive a pension according to the situation they have held.—Art. XXXIII. The members of

military or religious orders who shall lose their incomes, or whose common property shall be secularised, shall receive during life a yearly stipend proportioned to their former income, their dignity, and their age, and which shall be secured upon the goods of the revenues, of which they were in the enjoyment.—Art. XXXIV. The confederates renounce reciprocally, for themselves and their posterity, all claims which they might have upon the possessions of other members of the confederation, the eventual right of succession alone excepted, and this only in the event of the family having died out, which now is in possession of the territories, and objects to which such a right might be advanced.—Art. XXXV. Between the Emperor of the French and the confederated states, federatively and individually there shall be an alliance, by virtue of which every continental war in which one or either parties shall be engaged shall be common to all.—Art. XXXVI. In the event of any foreign or neighbouring power making preparations for war, the contracting parties, in order to prevent surprise, shall, upon the requisition of the minister of one of them at the assembly of the league in Frankfort, arm also. And as the contingent of the allies is subdivided into four parts, the assembly shall decide how many of those shall be called into activity. The armament however shall only take place upon the invitation of the Emperor to each of the contracting parties.—XXXVII. His Majesty the King of Bavaria binds himself to fortify Augsburg and Lindau; in the first of these places to form and maintain artillery establishments, and in the second, to keep a quantity of muskets and ammunition sufficient for a reserve, as well as a baking establishment at Augsburg, sufficient to supply the armies without stop in the event of war.—Art. XXXVIII. The contingent of each is determined as follows:—France 200,000 men, Bavaria 30,000, Wirtemberg 12,000, Baden 3,000, Berg 5,000, Darmstadt 4,000, Nassau, Hohenzollern, and others 4,000.—Art. XXXIX. The contracting parties will admit of the accession of other German princes and states in all cases where their union with the confederation may be found consistent with the general interest.—XI. The ratification of the present treaty shall be exchanged between the contracting parties, on the 25th of July, at Munich.

#### FOREIGN OFFICIAL PAPER.

*Resignation of the Office of Emperor of Germany, by Francis, Emperor of Austria. Done at Vienna, August 6, 1806.*

We, Francis Second, &c.—Since the



peace of Presburgh, all our attention and all our care have been employed to fulfil, with scrupulous fidelity, all the engagements contracted by that treaty, to preserve to our subjects the happiness of peace, to consolidate every where the amicable relations happily re-established, waiting to discover whether the changes caused by the peace, would permit us to perform our important duties, as chief of the German empire, conformably to the capitulation of election.—The consequences, however, which ensued from some articles of the treaty of Presburgh immediately after its publication, and which still exist, and those events generally known, which have since taken place in the Germanic empire, have convinced us, that it will be impossible, under these circumstances, to continue the obligations contracted by the capitulation of election, and even, if, in reflecting on the political relations, it were possible to imagine a change of affairs, the convention of the 12th July, signed at Paris, and ratified by the contracting parties, relative to an entire separation of several considerable states of the empire, and their peculiar confederation, has entirely destroyed every such hope.—Being thus convinced of the impossibility of being any longer enabled to fulfil the duties of our imperial functions, we owe it to our principles and to our duty, to renounce a crown which was only valuable in our eyes, whilst we were able to enjoy the confidence of the electors, princes, and other states of the Germanic empire, and to perform the duties which were imposed upon us. We declare, therefore, by these presents, that we, considering as dissolved the ties which have hitherto attached us to the states of the Germanic empire, that we, considering as extinguished by the confederation of the states of the Rhine, the charge in chief of the empire; and that we, considering ourselves thus acquitted of all our duties towards the Germanic empire, do resign the imperial crown, and the imperial government. We absolve, at the same time, the electors, princes, and states, and all that belong to the empire, particularly the members of the supreme tribunal, and other magistrates of the empire, from those duties by which they were united to us as the legal chief of the empire, according to the constitution.—We also absolve all our German provinces and states of the empire from their reciprocal duties towards the Germanic empire, and we desire, in incorporating them with our Austrian states, as Emperor of

Austria, and in preserving them in those amicable relations subsisting with the neighbouring powers and states, that they should attain that height of prosperity and happiness, which is the end of all our desires, and the object of our dearest wishes.—Done at our residence, under the imperial seal.—FRANCIS.

*Address of the Emperor of Austria resigning the Office of Emperor of Germany.*

We, Francis Second, &c.—In abdicating the imperial government of the empire, we, considering it as the last effort of our care, and as an absolute duty, do express thus publicly a desire equally reasonable and just, that the persons who have hitherto been employed in the administration of justice, and in diplomatic and other affairs, for the good of the whole empire, and for the service of the chief of the empire, should be suitably provided for.—The care which all the states of the empire took of those persons who lost their places by the affair of the indemnity in 1803 induces us to hope, that the same sentiments of justice will be extended to those individuals who have hitherto been employed in the general service, who have been chosen in all parts of the Germanic empire, and many of whom have quitted other profitable places, looking forward to an honorable subsistence for life, and which should not be wanting to them on account of their fidelity, and the integrity and capacity with which they have executed their functions.—We have, therefore, taken the resolution of preserving to those of our imperial servants, who have hitherto drawn their salaries from our chamber, the same appointments, reserving to ourselves to place them in employments in the service of our hereditary states, and we hope, with so much the more confidence, that the electors, princes, and states, will provide for the imperial chamber of justice of the empire, and the chancellerie of the chamber of justice, by charging themselves voluntarily with this expence, as it will be trifling in amount, and will diminish every year.—As to the chancellerie of the Aulic council of the empire, the funds destined for its support will be employed to provide for the wants of those individuals who have hitherto drawn from thence their salaries, this will serve them until other measures may be taken.—Done in our capital and residence of Vienna, under our imperial seal, the 6th of August, 1806.

FRANCIS.